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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 122.

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MODOC WAR.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copies of the correspondence and papers relative to the war with the Modoc Indians in Southern Oregon and Northern California, during the years 1872 *and* 1873.

FEBRUARY 10, 187 —Referred to the Committee on Indian Affairs and ordered to be printed.

To the House of Representatives:

I have the honor to transmit, herewith, reports from the Secretaries of the War Department and Department of the Interior, to whom was referred the resolution of the House of Representatives of the 7th of January last, requesting "copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians, in Southern Oregon and Northern California, during the years 1872 and 1873; also, copies of all the correspondence with, and orders issued to, the military authorities engaged in said war up to the period of the removal of said Modoc Indians from the States of Oregon and California."

U. S. GRANT.

EXECUTIVE MANSION, *February* 10, 1874.

WAR DEPARTMENT,
Washington City, February 10, 1874.

SIR: In compliance with your direction I have the honor to transmit, herewith, copies of all the papers in possession of this Department in relation to the Modoc war, called for by House resolution of January 7, 1874.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT.

13 Ms.
278.103
Col H. P. Curtis,
Army Medical.

Please catalogue
before binding.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 10, 1874.

OFFICIAL COPIES OF CORRESPONDENCE

RELATIVE TO THE

WAR WITH MODOC INDIANS IN 1872-'73,

PREPARED

UNDER RESOLUTION OF THE UNITED STATES HOUSE OF REPRESENTATIVES,

DATED

JANUARY 7, 1874.

Adjutant-General.

PART I.

Preliminary correspondence showing causes which led to hostilities, and the circumstances under which military force was employed, together with reports of operations up to the time of the appointment of peace commissioners.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 7, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding the division, a copy of the correspondence in relation to the reported troubles with the Modoc Indians, referred to in my report of the 3d instant. The first is the complaint of J. M. True and Andrew J. Barrett, transmitted by the commanding officer at Fort Klamath, with copies of the letters to the superintendent of Indian affairs, and to the commanding officer, Fort Klamath; and the second is a communication from the superintendent of Indian affairs, inclosing a petition from citizens of Jackson County, Oregon, and asking for a force to compel these Indians to return to the reservation, with copies of letters to the superintendent and to the commanding officer at Fort Klamath.

The treaty with the Klamaths, Modocs, and Yahooskin Snakes was made on the 14th of October, 1864, and approved by the Senate, with certain amendments, on the 2d of July, 1866, but not finally ratified until the 10th of December, 1869. This long delay made the Indians who were parties to the treaty very suspicious, and I have been informed by the superintendent that when the treaty, as amended by the Senate, was interpreted and explained to them, Captain Jack, the present leader of the troublesome Modocs, protested that it did not represent what they had agreed to. He was, however, convinced by the testimony of the other chiefs, and finally assented to it. When they were established on the reservation they went to work with a good deal of interest to build cabins and inclose ground for cultivation, but were so much annoyed by the Klamaths that they complained to the local agent, who, instead of protecting them in their rights, endeavored to compromise the difficulty by removing them to another location. At this point the same difficulties recurred, and a third selection was made. The Modocs then abandoned the reservation, alleging that the last point selected was a trap to place them in the power of their enemies, the Klamaths.

These changes were made without the concurrence of the superintendent, and I believe did not come to his knowledge until after the Modocs had fled from the reservation.

All subsequent attempts to induce them to return have failed.

In the summer of last year, and in consequence of complaints against these Indians, the superintendent sent commissioners to confer with them, (see my reports of September 2 and November 3, 1871,) who authorized the Modocs to remain where they then were until the superintendent could see them. This has been understood as a settlement of the questions until some permanent arrangement could be made for them; and

unless they have violated some subsequent agreement, I do not think that the immediate application of force as asked for would be either expedient or just. They should at least be notified that a new location has been selected for them and provision made for their wants. They should also be allowed a reasonable and definite time to remove their families, and fully warned that their refusal or failure to remove to the reservation within the appointed time would be followed by such measures as may be necessary to compel them.

I am not surprised at the unwillingness of the Modocs to return to any point of the reservation where they would be exposed to the hostilities and annoyances they have heretofore experienced (and without adequate protection) from the Klamaths, but they have expressed a desire to be established upon Lost River, where they would be free from this trouble, and the superintendent informed me last summer that he would endeavor to secure such a location for them.

In no other respect are the Modocs entitled to much consideration, and although many of the complaints against them have been found to be greatly exaggerated, they are, without being absolutely hostile, sufficiently troublesome to keep up a constant feeling of apprehension among the settlers.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, February 21, 1872.

Respectfully forwarded to the Adjutant-General, concurring in the opinion of General Canby that no action should be taken toward a forcible removal of the Modoc Indians until the question of their permanent location is settled.

J. M. SCHOFIELD,
Major-General, Commanding.

[1st inclosure.]

HEADQUARTERS FORT KLAMATH, OREGON,
January 10, 1872.

SIR: I have the honor to forward herewith inclosed affidavits of Mr. True, in relation to Indian disturbances; also letter of Mr. Burnett.

I am, sir, very respectfully, your obedient servant,

G. G. HUNTT,
Major First Cavalry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[2d inclosure.]

STATE OF OREGON, *County of Jackson, ss:*

Personally appeared before me, the undersigned, this 3d day of January, A. D., eighteen hundred and seventy-two, one J. M. True, of Lost River, Oregon, who deposes and says that certain Indians of the Modoc tribe came to his (True's) house, and knocked down the fences, which inclosed his hay-stacks, and turned their ponies on to

the hay, and also took hay away to their wigwams, and also fed hay to their ponies, carrying it away nightly for several nights. They also stole household utensils from Mr. Doten, and halters from Mr. Whitney, both of the aforesaid parties living near Mr. True. They also ordered Mr. True not to take away any hay belonging to him, (True,) and demanded money from Mr. True. Captain Jack, chief of the Modocs, threatened the lives of several white men, among others, Messrs. Ball and Blair, living near Lost River, Oregon.

Mr. True also believes there is a likelihood of those threats being carried into effect.

J. M. TRUE.

Sworn to and subscribed before me at Fort Klamath, Oregon, this 3d day of January, 1872.

W. L. CLARKE,
First Lieutenant Twenty-third Infantry, Adjutant.

[3d inclosure.]

LINK RIVER, OREGON,
January 2, 1872.

SIR: The bearer of this is Mr. Charles True. Mr. True resides on Lost River, near the Modoc rendezvous, and owns a land-claim with stock. The Modoc Indians that have been formerly so troublesome to the settlements in that vicinity have, of very recent date, attempted to impose on Mr. True, and also others in that immediate neighborhood, to my certain knowledge. If you can render us any service in having those threatening marauders removed, we would be under great obligations. We all feel an equal interest in having those Indians removed from our settlements and placed upon the reservation where they belong. Any statement that Mr. True makes I will vouch for, as I am personally acquainted for several years with him, and know him to be a man of his word.

Very respectfully, your obedient servant,

ANDREW J. BURNETT.

Major JACKSON,
Commanding Fort Klamath.

[4th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 25, 1872.

SIR: The commanding general instructs me to acknowledge the receipt of your communication of the 10th instant, transmitting affidavit and letter relative to depredations committed by Captain Jack's band of Modoc Indians, and to ask if you have any further information regarding the report.

The commanding general desires that, in forwarding papers of this character, you add such information as you may have as to the reliability of the statements, and all facts connected with them.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
Fort Klamath, Oregon.

[5th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 25, 1872.

SIR: The commanding general instructs me to inclose for your information a copy of a letter from the commanding officer Fort Klamath, forwarding statements relative to depredations committed by Captain Jack's band of Modoc Indians, and to ask you to please furnish him, if you can, a tracing of the recent survey of the Klamath reservation.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

The SUPERINTENDENT of INDIAN AFFAIRS,
State of Oregon, Salem, Oreg.

[6th inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., January 25, 1872.

General CANBY,
Commanding Department of Columbia, Portland, Oreg.:

SIR: Inclosed please find petition from citizens of Jackson County, Oregon, for removal of Modoc Indians.

I would respectfully ask that the said Indians be removed to Yainax station, Klamath reservation, by the military force now at Fort Klamath. I would also suggest that sufficient force be sent on this mission to ensure success—say 50 men. I have ordered arrangements made to subsist the Modocs at the place above named, and have instructed E. D. Applegate, commissary at Yainax, to confer with commander of post and to accompany said expedition if agreeable to your department. Now, if it is not consistent with your views on this subject to comply with the above request, I would respectfully ask that a military force of the number designated be placed, subject to requisition of Commissary Applegate for the purpose above stated. Winter is the only time to successfully operate against these Indians.

I regret very much the necessity of this action, but the peace and welfare of white settlers and Indians demand that it be done promptly.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent of Indian Affairs in Oregon.

[7th inclosure.]

Hon. A. B. MEACHAM,
Superintendent of Indian Affairs:
General CANBY,
Commanding Department of Columbia:

We, the undersigned citizens of Lost and Link River, Klamath, and Tule Lake country, after suffering years of annoyance from the presence of the Modoc Indians, who, through the delay of the Indian and Military Departments, have not been removed to the reservation as required by the treaty stipulations of 1865, entered into by the authorized agents of the Government and the chiefs of the Modoc Indians, by which all their lands were ceded to the United States except those embraced in the reservation, as stipulated in said treaty; but notwithstanding all the conditions of said treaty have been faithfully performed on the part of the Government, it is a well known fact that a factious band of the Modocs of about three hundred, who were parties to that treaty have, through the influence of citizens of an adjoining State, who have been engaged in an illicit traffic with them, instigated to set the authority of the Government at defiance, and to utterly refuse compliance with their treaty stipulations by not going on the reservation; and since there is no longer any conflict between the Indian and Military Department, such as prevented Subagent Applegate from bringing these Indians on the reservation, we therefore make this earnest appeal to you for relief, knowing that you have the cavalry force we petitioned to be sent to Fort Klamath two years ago for this specific purpose at your command. We ask you to use for the purpose for which it was procured, that the departments, both civil and military, have not been kept ignorant of the fact that we have been repeatedly on the verge of a desolating Indian war with this band of outlaws, who, by your delay to enforce the treaty, have been led to despise rather than respect the authority of the Government. Their long continued success in defying its authorities has emboldened them in their defiant and hostile bearing until further forbearance on our part would cease to be a virtue; that in many instances our families have become alarmed at their threats to kill and burn, until we were compelled to remove them for safety across the Cascade Mountains, thereby suffering great loss of time and property. That the agent at Klamath and commissary at Yainax, during this long delay growing out of this unfortunate conflict of departments, have done all they could to prevent a war, and bring about an amicable adjustment of our troubles we have no reason to doubt; but we ask now, since no such conflict exists, shall a petty Indian chief, with twenty desperadoes, and a squallid band of three hundred miserable savages any longer set at defiance the strong arm of the Government, driving our citizens from their homes, threatening their lives, and destroying their property. Their removal to the reservation in the winter season may be easily accomplished by any one acquainted with them and their country, and will not require more force than can be furnished from Fort Klamath. We recommend Com. A. D. Applegate, of Yainax, to the consideration of the department as a suitable man to take charge of any forces or expedition looking to their removal. His long connection with the Indian Department,

and thorough knowledge of them and their country, and all facts connected with this whole Modoc question, and as a stock-raiser equally interested with us in their removal, point him out to us as the right man in the right place, in charge of this much needed expedition for the removal of this band of Modocs to their reservation, for which we, your petitioners will ever pray.

Signed by—

I. N. Shook.	Simpson Wilson.
Samuel Colver.	Thomas Wilson.
James H. Calahan.	Frank Hefling.
David P. Shook.	James Ninson.
I. J. Brattam.	G. S. Miller.
H. Duncan.	Edwin Crook.
D. C. Eilgor.	A. C. Modie.
Joseph Longell.	O. H. Swingle.
C. A. Miller.	Willis Hall.
I. C. Turindge.	E. Hall.
G. B. Van Ripser.	H. Hall.
P. H. Springer.	I. T. Heant.
J. V. Kuhn.	Joseph Seeds.
H. Berlmann.	John E. Naylor.
Thomas Callar.	George Vuen.
G. M. Rambo.	Edward Overton.
Drury Davis.	William Roberts.
W. Dingman.	John Gattrod.
John Clean.	W. Hicks.
W. H. Miller.	O. A. Stearns.
Isaac Harris.	O. L. Stearns.
George Thomas.	John Fulkerson.

[8th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 5, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of January 25, in relation to the Modoc Indians, and also of the sketch of the Klamath reservation, as recently surveyed, which reached me on Saturday.

Referring to the report of the commissioners appointed by you to confer with the Modoc chiefs, and transmitted in your letter of August 28, 1871, I find it stated as the result of that conference, "Under the circumstances we did not think it advisable to talk very much with them further than to advise them not to do anything that would have a tendency to cause any collision between them and the settlers; to remain where they were until they saw you; not to resist the military under any circumstances, and to pay no attention to the talk of irresponsible parties. This has been understood as a temporary setlement of the question, and as authorizing them to remain for that time, at the point where they were found by the commissioners. Unless some different arrangement has since been made I think that it would not be expedient or politic to send a military force against these Indians, or at least until notified of the determination of the Government of the point at which they are at be established, and fully warned that they will be treated as enemies if, within a reasonable and specified time, they do not establish themselves as required. I shall be pleased to hear from you fully upon this subject and as early as may be convenient, and, in the meantime, will send a copy of your communication to the commanding officer at Fort Klamath to take all necessary measures to protect the settlers against hostilities from the Modocs, and to be prepared to aid in their removal to the point indicated in your communication, should forcible means become necessary.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

Hon. A. B. MEACHAM,
Superintendent of Indian Affairs for Oregon, Salem, Oreg.

[9th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 6, 1872.

SIR: The commanding general instructs me to inclose for your information a copy of a communication from the superintendent of Indian affairs for Oregon, in relation to

the Modoc Indians, and of the general's letter to him in reply thereto. He is not disposed to use military force, as desired by the superintendent, until satisfied of its full necessity, and after all other proper means have been resorted to, and failed to accomplish the desired result, and in relation to which you will hereafter be instructed. In the meantime he directs that all necessary measures be taken to protect the settlers in the vicinity of your post from the hostilities of these Indians, if any such are threatened, and that any complaints of depredations or other acts of hostility committed by these Indians be at once and as fully as possible investigated and the result reported.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
Fort Klamath, Oregon.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 20, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding the division, copy of the instructions given the commander of the District of the Lakes, in relation to the apprehended trouble with the Modoc Indians, and also of the correspondence upon the same subject with the superintendent of Indian affairs for this State.

I have considered this necessary in order to prevent collisions between the settlers and the Indians, and the presence of the troops will allay the apprehensions of the whites, (often the cause of the trouble we wish to avoid,) and will exercise a salutary influence over the evil disposed of both classes. It will be seen by the papers transmitted by the superintendent, that the question of providing a new location for the Modocs has been submitted by him to the Commissioner of Indian Affairs, and as I am fully satisfied that the Modocs will gladly settle at any point where they can be protected from the hostilities of the Klamaths, I consider it very important that all proper means to prevent a collision should be adopted.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MIL. DIV. OF THE PACIFIC,
San Francisco, Feb. 28, 1872.

Respectfully forwarded to the Adjutant-General; approving the action taken by the general commanding the Department of the Columbia.

J. M. SCHOFIELD,
Major-General Commanding.

[1st inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 16, 1872.

SIR: The relations between the settlers on Link and Lost Rivers and the Modoc Indians are, as you will see by the papers heretofore and herewith transmitted to you, of such a character as to lead to serious apprehension of collisions, that may result in hostilities, and in order to avert this result and to give protection to the settlers, the commanding general directs that you at once establish a force of fifty or sixty cavalry, at the point in that section of the country which you may consider best calculated to secure these ends. He desires that you will take this force in nearly equal proportions from the cavalry companies at Fort Klamath and Camp Warner, in order to avoid delaying the movement of the companies of the 23d Infantry, or the alternative of leav-

ing these posts without garrisons, if orders for their movement should be received. before the duty now directed is completed. The point to be selected should of course be the one most convenient for any military operations that may become necessary, but all possible consideration must also be given to the question of sheltering the men and animals of the command employed on this duty. Yainax station, on Sprague River, is suggested by the superintendent of Indian affairs, in his communication of the 25th ultimo, and if there be unoccupied buildings at that station, it is possible that arrangements may be made with the Indian Department for the necessary storage and shelter, if that point be suitable in other respects.

The supplies for the use of this command will be drawn either from Camp Warner or Fort Klamath, as may be most economical and convenient, but preferably from the latter post, as the surplus on hand is greater at that post than at Camp Warner.

It will probably be more economical to purchase the forage for the animals than to transport it from either post, and if you find it expedient to adopt this course you will cause the necessary arrangements for the payment to be made in accordance with the provisions of General Orders No. 13, Military Division of the Pacific, 1871.

A statement of the quantity of subsistence stores on hand at Fort Klamath by the last returns is herewith transmitted.

You will, of course, limit the supplies to what is indispensable for the health of the command, and efficient service in the field.

As the command will probably be obliged to operate by detachments it should be as fully officered as possible, and you will select them from those of known energy and discretion.

You will be careful to impress upon the commanding officer that the object in view is not to make war upon the Modocs, but if possible to avert war by preventing collisions between them and the settlers, and taking such other measures as may be necessary to keep the peace and secure the settlers from depredations and hostilities. The knowledge that troops are in the neighborhood and to be employed for these purposes will restore confidence among the settlers and impress the Indians with the importance and necessity of good conduct.

The inclosed papers will show you that the question of selecting a new location for the Modocs has been submitted to the Commissioner of Indian Affairs by the superintendent for Oregon, and until that question is determined it is not intended that forcible measures should be resorted to, unless the hostile attitude of the Indians should leave you no other alternative; but you will co-operate with the agents of that department in their efforts to bring these Indians in, and establish them at the point that has been or may be selected for that purpose, and it is believed that by proper communication and representation this may be done quietly and peaceably and that the Modocs will be very willing to remain at that place until the question of their ultimate location is determined.

The commanding general considers this point of so much importance that he desires that you will, as far as possible, give it your personal attention, as he relies greatly upon your experience and your knowledge of these Indians to bring about so desirable a result.

In conclusion he desires me to say that a depredation or robbery committed by an individual Indian is not to be taken as evidence of the hostility of the entire tribe, although all proper efforts will be made to arrest the offenders and bring them to trial and punishment; but if hostilities should actually be commenced or be inevitable, the most prompt and energetic measures must be adopted to suppress and punish them, and to this end all the resources in men and material at the posts in the District of the Lakes will be at your disposal, taking the precaution, if it should be necessary to use the infantry at any of these posts, that they should not be committed to duty that would interfere with the contemplated transfer.

Very respectfully, your obedient servant,

(Signed) LOUIS V. CAZIARC,

First Lieutenant Second Artillery, A. A. A. G.

The COMMANDING OFFICER,

District of the Lakes, Camp Warner, Oreg.

[2d inclosure.]

Extract from statement of subsistence stores in rations remaining on hand at posts in the Department of the Columbia, December 31, 1871.

Pork	14,394
Bacon	7,937
Fresh beef	Contract.
Flour	58,777
Hard bread	3,081

Beans	44,959
Rice	14,428
Coffee	63,842
Tea	16,000
Sugar	71,326
Vinegar	45,700
Candles	77,680
Soap	63,100
Salt	92,053
Pepper	75,000

W. H. BELL,
Captain and Commissary of Subsistence, U. S A.

FORT KLAMATH, OREG., *December* 31, 1871.

[3d inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., February 8, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant. In reply, in part, submit herewith copy of letter to Commissioner on this subject.

Further would state that I had in my annual report for 1871 recommended that a small reservation be made for the Modoc Indians at the north end of Modoc Lake. No action has been had by the Department that I am aware of. My reasons for asking assistance are set forth, or rather suggested, by the petition forwarded to you, otherwise I would have deferred action until such time as instructions might be forwarded from Washington City. Since my letter to you, I have received a communication from Hon. Jesse Applegate on this Modoc question, a copy of which please find inclosed herewith.

I have also learned from J. D. Applegate, commissary in charge of Yainax, and from J. N. High, Indian subagent at Klamath, that hostilities were imminent.

I am of the opinion that any attempt to arrest the chief and his body-guard will be resisted by them, and serious consequences may result. Nevertheless, the white settlers must be protected.

In your letter you refer to the agreement made with commissioners sent by this department last July, and suggested that no action be had until they were notified to place themselves on the reservation, &c.

That council was held at Clear Lake, some sixty miles southeast of Modoc Lake, where they are now located. Hence you perceive they have not kept their part of the agreement, and have forfeited any claim they might have had to forbearance.

I do not realize that there is any unjustifiable breach of our part of the compact of July last, by compelling them to go on their reservation. Had they behaved honestly, and on their part maintained peaceable relations with the white settlers, they might have remained at Modoc Lake undisturbed.

Such has not been the case, and, much as I regret the necessity for forcible arrest and return to the reservation, I can see no other way to secure peace and mete out justice.

I would respectfully recommend that the commander at Fort Klamath be instructed to arrest the chief and five or six of the head-men, and hold them in confinement until some further orders shall have been received from Department at Washington City.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Gen. ED. CANBY,
Commanding Department of the Columbia, Portland, Oreg.

[4th inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., January 27, 1872.

SIR: I would respectfully call attention to matters pertaining to Modoc Indians in my third annual report. Previously a full history of the trouble had been submitted to your office.

The case now stands that the Modocs, numbering 300 souls, belong by treaty to Kla-

math, but have not resided within the limits of the reservation except perhaps three months, being in 1870.

They were ill-treated and abused by the Klamath Indians, and the subagent failing to protect them, they vacated. Peace has been disturbed, and danger seems imminent, and, on a strong petition of the white settlers of the Modoc country, I have made a requisition on the commander of the Department of the Columbia for assistance, copy of which is herewith transmitted.

If my action is not approved, it would seem necessary to countermand by telegraph; otherwise, the attempt to arrest the leaders will be made, and war may ensue.

I have suggested in my annual report an alternative, but it has not received any attention known to this office. I should regret bloodshed, but I am powerless to prevent it, without I am authorized to locate these people on a new home. They steadily declare their determination to resist any effort to remove them.

I had a consultation with Hon. F. R. Brunot on this subject, and had hoped to avert any serious action until the whole matter could have been adjusted.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Sup't Indian Affairs in Oregon.

Hon. F. A. WALKER,
Commissioner Indian Affairs, Washington, D. C.

[5th inclosure.]

YONCALLA, OREGON,
February 1, 1872.

DEAR SIR: I presume upon the urgency of the case as my excuse for again troubling you about the Modoc Indians now living on Modoc Lake.

I am, as you know, much in favor of treating Indians with forbearance and humanity, and as there were some just grounds for the discontent of this band of Modocs, I fully approved of your purpose last summer to place these Indians on a reservation to themselves. But it seems such an arrangement has even more difficulties in and objections to its execution than was then considered. If these Indians were of the quiet, orderly disposition that the majority of Oregon Indians are, these difficulties would not exist; there would be less opposition to the measure from the white settlers of that country, and they would in the end become reconciled to it.

But that they are not obedient, quiet, and orderly, is proven by their absence from the reservation assigned them.

Having broken away from the reservation, in defiance of the agent and the military, and conciliatory means alone resorted to to induce them to return, they have misunderstood your forbearance and humanity, and think your policy dictated by weakness and fear, and the impunity with which they commit aggressions and levy "blackmail" upon the settlers, encourages and confirms that belief.

From advices from that quarter, their arrogance and impudence have been greater than ever before, and the patience and forbearance of the settlers most inclined to peace is well-nigh exhausted.

The Indians help themselves to what they want when, by intimidation, they fail to obtain permission. Instead of a more friendly feeling growing up between the races, the hatred of the one and the assurance of the other is by this conduct continually intensified, and open hostilities may, any day, commence between them. This state of things discourages new settlers, and keeps those in the country in a feverish state of uneasiness and alarm, and instead of their increased numbers driving the Indians into better behavior, the numbers of Indians are constantly recruited by the bad and discontented flung to them from the neighboring reservations, and they being concentrated in a body, they actually hold the settlements on Lost and Link Rivers at their mercy, and, being perfectly aware of this fact, they use it to their own advantage. These Indians sold the country they now forcibly occupy, and years ago received their part of the payment. If the humanitarians who now control Indian affairs have no regard for the lives of white men, women, and children, there are reasons for the removal of these Indians to their reservation which may be in accordance with their tender sympathy for the welfare of the Indians themselves. While a body of independent and defiant Indians makes a "city of refuge" within a day's travel of two reservations, it will scarcely be possible to introduce or enforce the discipline so necessary and proper a preliminary to the pious and innocent life the Indians are to live under their auspices.

"Moral suasion" may not be a sufficient restraint upon the vicious red any more than upon the vicious white man; some kind of physical punishment must be the penalty of crime, at least until the moral lessons have had time to bear fruit; such impious characters, until they learn to be "meek under chastening," will fly to the "city of ref-

uge," rather than quietly submit to be hanged, whipped, or otherwise punished for their crimes; hence those most in need of the lessons of the moral teacher will be out of his reach.

Poets and moralists agree that the "untutored savage" is also a "wild man," and like other wild animals they chafe and fret under any kind of restraint; they will prefer the liberty and license of the "city of refuge" to even the mild restraints of a pious life on the reservation; and the consequence will be that the "city of refuge" will overflow with inhabitants and the reservation be desolate.

The people of the city of refuge, like those of other cities, must be fed and clothed. The white settlers in its vicinity, having by their stock and farming operations diminished the spontaneous productions of the land, will have to pay tribute to the city.

The collectors of the taxes may be rude, rough men, (red though they be,) who are not likely to observe those formalities which reconcile "tame" people to be robbed in the name of the law. Some settlers, not having the fear of God before their eyes, nor appreciating the just right of the red man to rob them, may try to prevent the tax-collector from driving off their horses or butchering their cattle. This will cause strife between the red man and the white, and both wicked white and innocent red men also may come to grief in the scuffle.

In tenderness, therefore, to the poor Indian, they had better be removed out of harm's way, and the city of refuge on Modoc Lake broken up.

If this is not done before spring opens it cannot be done this year. As well expect to collect the coyotes out of that region of rock, mountain, and morass, as the Indians in the summer season.

No kind of force can pursue as fast as they can retreat, and the mititary force on the Pacific is insufficient to hunt them out and rout them from their fastnesses. And as it would be with the red men a struggle for life and liberty, many of their valuable lives might be unavoidably taken in the struggle, and some white men may be killed, who are not as deserving of our sympathy, are in as much need of being under the benign influence of the gospel of peace as the Indians themselves.

Very respectfully, yours,

JESSE APPLEGATE.

Hon. A. B. MEACHAM, *Supt. Ind. Affairs.*

I certify that the foregoing is a true copy of the original on file in this office.

C. S. WOODWORTH,
Chief Clerk.

[6th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 17, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, and to state for your information that these papers will be submitted to the division commander, in connection with the correspondence which preceded it, and which has already been forwarded. In the mean time I have instructed the commander of the district of the lakes to establish a cavalry force of fifty or sixty men at some point in that section which is most suitable for the protection of the settlers. Yainox Station has been suggested, and will probably be selected by him for this purpose, and I have to request that you will instruct the agent to give the commanding officer any facilities in sheltering and supplying his command that may be given without embarrassment to the operations of your department, and if there be any forage or other supplies not needed for your own use you will authorize its transfer, to be paid for by the proper departments of the Army.

The commanding officer has been advised that the question of new location for the Modoc Indians has been submitted by you to the Commissioner of Indian Affairs, and that pending the decision of this question force will not be used by the military to compel the return of the Modocs to the reservation, but that he will co-operate fully with the agents of your department in any efforts that may be made to establish them peaceably at any point that may be selected, and to keep them there until the question is settled.

He has also been instructed to give as complete protection as possible to the settlers, and that while robberies and depredations committed by individual Indians are not to be taken as determining the hostile attitude of the tribe, every proper effort will be made to arrest and punish the offenders.

The present duty of the military is to protect the inhabitants, and, if possible, to keep

the peace until these questions have been decided by the authority to which they have been submitted.

If this cannot be done, the commanding officer is instructed to use all the means in his district for the prompt suppression of hostilities and punishment of the guilty.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

The SUPERINTENDENT OF INDIAN AFFAIRS,
State of Oregon, Salem, Org.

[7th inclosure.—Confidential.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 17, 1872.

SIR: Although you are probably aware of the general facts, I think it proper to invite your attention to the complication in the affairs of the Modoc and Klamath Indians, growing out of the attempts that have been or will be made to secure a portion of the lands reserved for them under claims for settlement, grants for military and railroads, or as swamp-lands. The treaty was made on the 14th of October, 1864, but was not finally ratified until the 10th of December, 1869, and proclaimed by the President on the 17th of January, 1870. In this interval a portion of the reservation (in Sprague River Valley) was surveyed, opened for sale and settlement, and grants for military and railroad purposes were made by Congress. It is claimed that these are operative within the limits of the reservation as well as elsewhere, because the grants were made before the final ratification of the treaty. It is also understood that draining operations are in contemplation, which, although they are to be carried on outside of its limits, will have the effect of destroying the value of large portions of the reservation for the purposes for which it was reserved.

The determination of these questions does not, in any way, belong to the military authorities, and they are brought to your notice as giving a possible motive for some of the complaints against these Indians, and as an additional reason for careful investigation bofore taking any positive action against them.

It appears to be conceded that the Modocs and Klamaths cannot live together in peace, and the superintendent has suggested a new location for the Modocs. Pending the action upon this suggestion, this difficulty has come up, and while, it is clearly the duty of the military to protect the settlers from the depredations or hostilities of the Indians, it is equally their duty to avert any collision that may prevent or delay the quiet and peaceable settlement of this question.

Our duty is, if possible, to keep the peace until it is settled.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding Department.

The COMMANDING OFFICER,
District of the Lakes, Camp Warner, Oreg.

WAR DEPARTMENT,
Washington City, March 19, 1872.

SIR: This Department is in receipt of reports and a voluminous correspondence in relation to apprehended and reported trouble with the Modoc Indians, forwarded by the commanding general of the Department of the Columbia, in which arises a question as to their removal from their present location to another and more permanent one.

Copies of all the papers bearing upon this matter have been prepared and are herewith inclosed for your information, and with a view to enabling the proper officials to take, intelligently, such action as seems to be demanded in the interest of the Government and of the Indians.

Very respectfully, your obedient servant,

W. W. BELKNAP,
Secretary of War.

The Hon. the SECRETARY OF THE INTERIOR.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., March 5, 1872.

SIR: I have the honor to forward herewith copies of communications with the governor of Oregon, the superintendent of Indian affairs, and the commanding officer, Fort Klamath, having reference to the threatened difficulties with the Modoc Indians, for the information of the division commander.

Very respectfully, sir, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding Department.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, March 12, 1872.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General Commanding.

[1st inclosure.]

HEADQUARTERS FORT KLAMATH, OREGON,
February 18, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of February 6, 1872, inclosing copy of letter of Hon. A. B. Meacham to General Canby, and the general's reply, relating to the Modoc Indians.

At present these Indians are not disturbing the settlers, or giving any trouble. The instructions as given in your letter I will make every effort to carry out. If any complaints of depredations or other acts of hostility are committed by these Indians I will at once fully investigate them and report the result.

I am, sir, very respectfully, your obedient servant,

G. G. HUNT,
Major First Cavalry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[2d inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg, February 19, 1872.

SIR: Governor Grover has this day called on me and is very solicitous about Modoc matters. I have no further official information, but from private letters learn that white settlers are making preparations for self-defense. I can only renew my recommendation that the Modoc chief and his head-men be placed under arrest at Fort Klamath.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Gen. E. R. S. CANBY,
Commanding, &c., Portland, Oreg.

3d inclosure.]

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, February 20, 1872.

SIR: I have the honor to inclose herewith a petition from the citizens of the Link River country, in Jackson County, Oregon, referring to the disturbed condition of the Indians in that region, and asking my influence to assist them in procuring relief from threatened Indian hostilities.

It appears to me that there is ground for serious difficulty with the Indians in that quarter, and I confidently trust you will be impressed with a like view of the matter.

The superintendent of Indian affairs at this place agrees with me that something should be done to arrest the present tendency to disturbance, and to let the Indians feel that a restraining hand is over them.

I therefore solicit your attention to be given to the subject of this petition, which is composed, to my knowledge, of names of respectable citizens.

I am, sir, most respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

Maj. Gen. ED. R. S. CANBY,
Commanding Department Columbia.

[4th inclosure.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 21, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, inclosing a petition from citizens of Jackson County for protection against the Modoc Indians, and to state for your information that on the 16th instant instructions were sent to the commanding officer District of the Lakes to establish a sufficient cavalry force in that neighborhood to give protection to the settlers. Instructions had previously been sent (February 6, 1872) to the commanding officer at Fort Klamath to take all necessary measures for the protection of the settlers of Jackson County.

It is believed that the presence of the troops will be sufficient to restore confidence and restrain the evil-disposed among the Indians until arrangements can be made for carrying out the determination of the Indian Department in relation to them. Until the questions which have been submitted by the superintendent to the Commissioner of Indian Affairs have been decided, it is obviously our duty, while giving protection to the settlers, to prevent a war if possible. If that cannot be done, all the force that may be needed for its suppression and for the protection of the inhabitants will be applied, and the commander of the district has been so instructed.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

His Excellency the GOVERNOR OF OREGON, *Salem, Oreg.*

[5th inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., February 22, 1872.

SIR: I have the honor to acknowledge the receipt of yours of 17th instant.

In reply, would respectfully suggest Linkville or Langell's Valley as a more eligible point from which to operate with cavalry against the Modocs than Yainax.

Reason 1st. The first two named places are situated within four or five hours' ride of the Modoc camp, without mountain or other impediments to travel. Yainax is distant some fifty or sixty miles from the Modoc camp, with mountains intervening.

2d. I doubt whether shelter, supplies, or forage can be furnished at Yainax, while doubtless all these indispensables can be readily obtained at Linkville or Langell's Valley.

No protection is asked for by Commissary Applegate at Yainax, and I believe the presence of a cavalry force at Linkville or Langell's would intimidate and hold in subjection the Modocs and give assurance to the white settlers of protection, which it would not if stationed at Yainax.

Having only a sincere desire to preserve the peace and do equal and exact justice to all interested parties, I venture the suggestion, founded on personal knowledge of the country and circumstances.

If, however, it shall be decided to establish a cavalry station at Yainax, the Indian Department will co-operate with and furnish such shelter, supplies, and forage as may be available.

A copy of communication to Commissary Applegate on this subject is herewith transmitted.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Gen. E. R. S. CANBY,
Commanding Department Columbia, Portland, Oreg.

[6th inclosure.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., February 22, 1872.

SIR: Inclosed herewith find copy of correspondence with the military department, from which you will learn the present status of things in general.

If the commander of the District of the Lakes should decide to locate a cavalry station at Yainax, you will furnish such shelter, supplies, and forage as may be at your command, without doing injustice to the department or Indians, and otherwise cooperate with the military department. My opinion as to the proper location for a cavalry station has been expressed to General Canby, and reasons given therefor.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

J. D. APPLEGATE, Esq.,
Commissary in charge, Portland, Oreg.

WAR DEPARTMENT,
Washington City, March 27, 1872.

SIR: In connection with previous papers on the subject, transmitted to you on the 19th instant, I have the honor to inclose herewith, for your information, copies of further papers received at this Department in relation to the threatened difficulties with the Modoc Indians.

Very respectfully, your obedient servant,

W. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oreg., March 10, 1872.

SIR: I have the honor to acknowledge the receipt of the following communications, viz:

1. Confidential letter with reference to Modoc Indians, headquarters Department of the Columbia, Portland, Oreg., February 17, 1872, signed E. R. S. Canby, Brig. Gen. Commanding.

2. Headquarters Department of Columbia, Portland, Oreg., February 16, 1872. Louis V. Caziarc, First Lieutenant Second Artillery, A. A. A. G. Gives commanding officer district of the lakes certain instructions with reference to Modoc Indians.

3. Office Superintendent of Indian Affairs, Salem, Oreg., January 27, 1872. A. B. Meacham, superintendent of Indian affairs in Oregon. Copy of letter to Hon. F. A. Walker, Commissioner of Indian Affairs, Washington, D. C., with reference to Modoc Indians.

4. Yoncalla, Oreg., February 1, 1872. Jesse Applegate. Copy of letter of A. B. Meacham, superintendent Indian affairs, Salem, Oreg., with reference to Modoc Indians.

5. Office Superintendent of Indian Affairs, Salem, Oreg., February 8, 1872. A. B. Meacham, superintendent Indian affairs in Oregon. Copy of letter to General E. R. S. Canby, commanding Department of Columbia, with reference to Modoc Indians.

6. Extract of report of chief commissary Department of the Columbia, showing amount of commissary supplies on hand at Fort Klamath, Oregon.

7. Tracing of plat of Klamath Indian reservation.

Action will be taken at once, under my personal superintendence, a report of which will be made from time to time, as circumstances may seem to require.

From report of Major Eggleston, who has recently been through this country of the Modocs, and others, I do not anticipate any serious trouble.

The original package came via Fort Klamath, and arrived about 12 o'clock m.; about 10 minutes previous a copy of same arrived via Camp Harney.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[1st indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., March 30, 1872.

Respectfully forwarded to the assistant adjutant-general, Military Division of the Pacific, for the information of the major-general commanding.

ED. R. S. CANBY,
Brigadier General Commanding.

[2d indorsement.]

HEADQUARTERS MILITARY DIV. OF THE PACIFIC,
San Francisco, April 6, 1872.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General Commanding.

Copies sent Interior Department April 17, 1872, by indorsement from War Department.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 13, 1872.

SIR: Major Otis, commanding the District of the Lakes, and the superintendent of Indian affairs for this State, are of the opinion that there will be some trouble with the Indians in Southern Oregon unless they can be collected and permanently established on a reservation during the coming season. The former superintendent, Mr. Meacham, also concurs in this opinion.

It is presumed that appropriations will be made by Congress to carry out the recommendations heretofore made for the establishment of these Indians upon a reservation within the territory reserved for that purpose by the Executive order of March 14, 1871, but the subject is regarded as of so much importance that I have the honor to recommend that it be again brought to the notice of the War Department.

If this arrangement can be carried out, it will not only give greater security against Indian troubles, but will materially diminish the expenses of the military establishment in that part of the country.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier General Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, April 17, 1872.

Respectfully forwarded to the Adjutant-General, concurring with General Canby in his opinion of the importance of this subject.

J. M. SCHOFIELD,
Major General Commanding.

WAR DEPARTMENT,
Washington City, May 2, 1872.

SIR: Your attention and that of the Indian Bureau is respectfully invited to the inclosed copies of a report of the commanding general of the Department of the Columbia of apprehended trouble with the Indians in Southern Oregon, unless they are permanently settled on reservations during the present season.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 17, 1872.

SIR: I have the honor to transmit a copy of Major Otis's report in relation to the Modoc Indians, with an abstract of the proceedings had at a conference with Captain Jack, and also of the testimony collected by him in relation to the conduct of these Indians.

I propose to hold the Modocs under quiet supervision for the present, by keeping a detachment of cavalry at the point selected by Major Otis, for the purpose of exercising a salutary restraint upon the Indians, and preventing any collision between them and the settlers. The temper of both parties is such that a very slight cause may give rise to serious consequences.

The reservation which these Indians desire, and which the former superintendent promised that he would endeavor to secure them, is outside of the limits of the present reservation, and the project of establishing them there will meet with serious opposition from the settlers in that neighborhood, and under present circumstances probably will not be advisable. If, however, the Pai-Utes, who are now on Sprague River, can be gratified in their wish to be established on a reservation in their old country, it would leave an opening that would be accept-

able to the Modocs, and far enough from the Klamaths to secure them from the annoyances they have heretofore experienced.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[1st inclosure.]

HEADQUARTERS DISTRICT OF THE LAKES,
Portland, Oreg., April 13, 1872.

SIR: I have the honor to report that, in compliance with orders from Headquarters Department Columbia, dated Portland, Oreg., February 16, 1872, I started from Camp Warner, Oregon, March 15, 1872, with a detachment of two officers, Capt. D. Perry, First Cavalry, and Second Lieutenant J. G. Kyle, First Cavalry, stationed at Camp Bidwell, California, Acting Assistant Surgeon L. L. Dorr, Chief Packer Mason McCoy, Guide and Interpreter Donald McKay, twenty-seven enlisted men, and a pack-train of twenty-five mules, *en route* to the Modoc country via Fort Klamath, Oregon, at which point I arrived on the 24th ultimo, after a most tedious march. The roads were in a most horrible condition from mud and snow. The whole country to four miles west of Yainax agency appeared to be perfectly soaked with water, making it frequently necessary to unpack the pack-train and convey the cargo by hand. From the head of Drew's Valley to Round Grove, a distance of ten miles, we encountered heavy snow, partially melted, and frozen with a crust on top sufficient to bear a man, but insufficient to bear a horse, most of the way. Where the horses did not break through, the pack-train did, which rendered the advance exceedingly tedious. From Yainax bridge, four miles west, across Sprague River, the road was solid and good. On my arrival at Klamath our animals of the pack-train were so worn out and jaded that I thought it advisable to remain there a week for recuperation.

On the 30th of March I started Guide and Interpreter Donald McKay, with four Indians whom I had employed temporarily, to invite the Modocs to a conference ten miles from Link River, east, on Lost River, at a place called the Gap, without any troops on my part.

On the 1st of April the command started for Link River, consisting of a detachment from camp Warner, except Acting Assistant Surgeon L. L. Dorr, who was detached to accompany the company moving from Camp Harney to the Central Pacific Railroad, in compliance with instructions from Headquarters Department of the Columbia, dated Portland, Oreg., March 18, 1872. The detachment taken from Klamath consisted of Lieutenant Moss, Acting Assistant Surgeon C. W. Knight, twenty-three enlisted men, and ten pack-mules.

The command arrived at Link River on the 2d instant, where I met the scouts returned from the Modoc band. They reported that Captain Jack had sent to me a messenger, who accompanied my scouts; also a second messenger, who had overtaken the first a few miles out. I informed these messengers in substance that I was very sorry that Captain Jack would not come to see me; that I had sent for him for his own benefit; that I should move my troops immediately into his country; and that I should go to see Captain Jack. The second messenger, after some talk, then informed me that Captain Jack was very much afraid, but that he would come and see me to-morrow, the 3d instant, at the Gap, if I would not take my troops. These were my first conditions, and I accepted them, and accordingly took with me Mr. High, sub-Indian agent Kalmath agency, and Mr. J. D. Applegate, commissary at Yainax agency, Guide and Interpreter McKay, and the Indian scouts, and proceeded to the Gap.

About noon, Captain Jack, with some thirty-five or forty Indians, made his appearance, all armed. He left some of his arms on the opposite side of the river, and we proceeded to council with him and about thirty-five of his warriors. Some of the adjoining neighbors, settlers of the vicinity, also made their appearance. The report of the council is herewith inclosed. It may not be worded exactly as uttered, but it is in substance.

The white settlers in the neighborhood of the Modocs appear to be considerably alarmed, and consider that both their lives and property are in danger.

In the report of the council it will be seen that Captain Jack denies many of the allegations against him, and promises good behavior in future. This certainly will be assured as long as the troops are in their vicinity, and probably his conduct will be much improved by the visit of the troops, as he was much frightened when he heard that the troops were coming.

He had apparently been of the opinion that no troops would be sent against him, or any number sent in his country.

Captain Jack and his band are now occupying the country at the north end of Tule Lake, at the place proposed by the Superintendent of Indian Affairs as their future reservation, but scatter all through the country from Yreka to the Yainax agency.

At the end of the council I considered that I had matters of sufficient importance to justify my journey to this place, and lay the whole before the general commanding, which will be made the subject of a future report.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry Comdg.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[2d inclosure.]

Abstract of proceedings of conference between commanding officer District of the Lakes and Captain Jack, chief of the Modoc Indians, 3d April, 1872, and of testimony taken at the conference, and at Linkville, Oregon, regarding the conduct of these Indians.

On the 3d of April, 1872, Major Elmer Otis, First Cavalry, held a talk with Captain Jack, chief of the Modoc Indians, at "the Gap," on Lost River, Oregon, Mr. High, sub-agent of the Klamath agency, and Mr. Applegate, commissary at Yainax station, and about thirty-five men of the Modoc tribe were present.

Major Otis informed Captain Jack that settlers complain that his band frighten women and children at their homes during the absence of the men, by going about armed and demanding food; that the Modocs have stolen cattle and hay for their ponies; have broken down fences and turned their animals in to graze, or have trampled down the grass in hay-fields, while in the pursuit of game; that these acts are charged as committed during the past winter, and still continued.

Captain Jack was warned that he must restrain or punish his men, or the whites would do it. He was reminded that the country in which he lives does not belong to his tribe, having been ceded by the Klamath treaty, which the Modocs signed; that his band were only suffered to remain where they are until the President can determine the propriety of giving them a suitable portion of land to live on apart from the Klamaths, and he was warned that he must control his men thoroughly and prevent their further molesting the settlers, and that troops would, for the present, be kept in the neighborhood to secure their quiet and good order.

Major Otis demanded of Captain Jack that he keep his Indians apart from the settlers, except when they desired to work; that when in need of food they should go to Camp Warner for supplies, but under no circumstances go armed among the settlers to demand food or to steal it.

Captain Jack at first denied these charges, and throughout the talk evaded, as far as possible, direct answers to specific charges against his band. He endeavored to convey the impression that if these thefts had been committed at all, they were the acts of the Klamaths (to which tribe the Modocs are hostile) or of other Indians, and that his own disposition and that of his tribe was friendly.

The evidence collected by Major Otis consists of the testimony of Messrs. Poe, Bull, G. S Miller, Charles Monroe, George Monroe, George Nunse, Drury Davis, Joseph Seeds, Hudson, Applegate, Forcythe, and Tripp.

These witnesses now reside in the vicinity of Linkville, Oreg. They assert that in 1870–'71 they were either settled or seeking suitable sites for ranches in the Lost River country or in the neighborhood of Tule Lake; that, after leaving the Klamath reservation in 1870, the Modocs claimed the entire country in that locality, and demanded compensation for ranching, or for the hay cut from off it; that their constant visits, their thefts of provisions and cattle, their demands for compensation, and their generally hostile attitude excited such fears for the safety of their property, and in a few cases for life, as to drive them from the country.

This testimony is opposed to Henry Miller and Mr. Ball, who now reside, respectively, ten and six miles from Captain Jack's headquarters. Both of these witnesses accompanied Captain Jack to meet Major Otis, and to testify to the peaceable attitude of the band.

Mr. Miller has resided over two years in their country as a stock-raiser. He employs Indians of this band as herders. He has never paid for his right to settle in their country, and does not believe such demands are made of other settlers. He believes that Captain Jack wants a reservation set apart for his tribe of about 1,000 acres only.

He testifies that the Indians are not more insolent to whites than whites are to

whites. He was absent from his ranch from July, 1870, to February, 1871, because of rumors that Indians were destroying cattle, and that troops were out after them, rendering it impossible for him to get herders. He has heard that cattle were killed by Indians, but, from their pony trails, believes the Klamaths guilty. He has no family. His testimony is based upon the Indians' conduct toward him and his observation of them.

Mr. Ball has resided for ten years near this tribe, and since last October (1871) within six miles of them. He does not apprehend any danger to settlers from Captain Jack's band. He resides about six miles from Charles Monroe's ranche. Monroe has had trouble with the Modocs regarding some hay. Has heard Monroe's and the Indians' stories, and believes that Monroe, by special agreement, settled upon lands claimed by Captain Jack, and was to compensate him for hay, but failing in the full payment, the Indians fed a portion of the hay to their animals to make up the deficiency.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 18, 1872.

SIR: I have the honor to submit, for the consideration of the major-general commanding the division, a communication from Major Otis, First Cavalry, in relation to the Indians in Southern Oregon.

So much of the subject of this report as relates to the Modoc and * * * Indians of Oregon has for a long period been under consideration, and the suggestions and recommendations made therein are fully approved. The disposition to be made of the Modocs and * * * as recommended, I regard as the only solution of that question without the application of force. * * * * * * * * * * *

I transmit herewith * * * a sketch of the country. * * * * *

Very respectfully, your obedient servant,

ED. R. G. CANBY,
Brigadier-General Comdg.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[First inclosure—map—not printed.]

[Inclosure.]

HEADQUARTERS DISTRICT OF THE LAKES,
Portland, Oreg., April 15, 1872.

SIR: I have the honor to make the following statements and recommendations with reference to the Indians included in the District of the Lakes and vicinity.

I have been stationed where I have had intercourse with a large portion of these Indians since October of 1867. * * * * * * *

Also, by removing the two bands of Pi-Utes from the Yainax agency, on the Klamath reservation, removing only O-che-ha's band, will give plenty of room for the Modoc Indians. They signed a treaty in October, 1864, to go on the Klamath reservation. They came on the reservation in the fall of 1869; a portion of them under the old chief still remain. But Captain Jack, (Indian name not known,) who signed the treaty in 1864, became dissatisfied soon after coming on the reservation, and in February of 1870 formed a band, numbering now probably about sixty warriors, and left the reservation, going to Lost River and Tule Lake. Last fall Superintendant Meacham promised to allow them to remain where they are until he could see if a small reservation could not be set aside for them on the north end of Tule Lake. These Indians are still in this country, and are insolent and insulting, in many instances, to the white

settlers, and the latter generally deem this band of Modocs unsafe to both life and property. If a military force was present they could probably be removed peaceably to the Yainax agency, on the Klamath reservation; and by removing the Pi-Utes now there, would leave them houses, and a farm for their cultivation. I am of opinion that if left where they now are, it will probably lead to serious outbreak in time.

Very respectfully, your obedient servant,

ELMER OTIS,
Major 1st Cavalry, Commanding District.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

Indorsements, covering letters of April 17 and 18, 1872, with inclosures, from General Canby:

[1st.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., April 26, 1872.

Respectfully forwarded to the Adjutant-General, and recommended to the favorable consideration of the Interior Department.

J. M. SCHOFIELD,
Major-General Commanding.

[2d.]

ADJUTANT-GENERAL'S OFFICE,
Washington, June 13, 1872.

Respectfully submitted to the Secretary of War.
Copies have this day been furnished the Interior Department from this office.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., December 3, 1872.

Unofficial dispatches report a conflict between the troops and Modoc Indians at the mouth of Lost River, arising from the orders of the Indian Department to remove the Modocs to their reservation. General Canby does not apprehend serious trouble, he having provided sufficient force to compel obedience to the orders of the Department.

J. M. SCHOFIELD,
Major-General Commanding.

TO ADJUTANT-GENERAL U. S. A.,
Washington, D. C.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., December 13, 1872.

SIR: I have the honor to forward herewith a letter from the commanding general Department of the Columbia, dated December 6, 1872, with its inclosures, relative to existing hostilities with the Modoc Indians; also copies of telegraphic correspondence of later dates upon the same subject.

These papers show that the fullest precaution was taken by the Department commander to provide the superintendent of Indian affairs with ample force to insure a peaceable removal of the Modocs, if that were possible. But it seems that a conflict was precipitated between

the Indians and a small detachment of troops, immediately followed by the massacre of unsuspecting settlers.

It does not yet appear whether this precipitation of hostilities, before the concentration of sufficient force to protect the settlements and enforce submission of the Indians, was due to the fault of any officer of the Government. Full reports on this subject will be forwarded as soon as practicable.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major-General.

The ADJUTANT-GENERAL, U. S. A.,
Washington, D. C.

[Indorsements.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
January 3, 1873.

Respectfully referred to the headquarters of the Army.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 6, 1873.

Respectfully returned to the Adjutant-General, to be laid before the Secretary of War. This Modoc country lies on the border of Oregon and California, and the subject is more familiar to Generals Canby and Schofield, within whose jurisdiction the reservation lies. Both are fully competent to act. Should it become necessary to use more troops than General Canby has in his department, General Schofield can reenforce him from the direction of California; and General Schofield was instructed, before leaving California for the Sandwich Islands, to place General Canby, next in rank, in command of all the troops in the Division of the Pacific available. I doubt not General Canby will fully meet the case.

W. T. SHERMAN, *General.*

[Inclosures.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 6, 1872.

SIR: I have the honor to report, for the information of the major-general commanding, in addition to the telegraphic reports already made, the following in relation to the hostilities in the Modoc country:

I am yet without any official reports from the commander of the District of the Lakes, or of Fort Klamath, and can only conjecture that the collision was precipitated by some contingency that could not have been foreseen or guarded against, as the instructions directed the necessary precautions to be taken, and the necessary preparations to be made to secure the removal of the Indians and the protection of the frontier, and in the acknowledgment of the receipt of these instructions the assurance was given that this would be done. (See papers A, B, C, D, E, and F, herewith.) The means placed under the control of the district commander were regarded as entirely sufficient, but, in addition, the only force immediately available, two companies of the Twenty-first Infantry, was prepared and sent forward by a special train to the terminus of the railroad, and from thence to Jacksonville, from which point the march will be determined by such information as the commander of the battalion, Major Mason, Twenty-first Infantry, may receive, who was also instructed to report by courier to the commander of the District of the Lakes and of Fort Klamath.

Both Fort Klamath and Warner have a reserve of small arms and ammunition, and are well supplied with clothing and subsistence, but, as additional precaution, a supply of ammunition, clothing, and of such articles of subsistence as cannot be purchased to advantage in the country will be sent up.

It is impossible from the conflicting accounts that have been received to state the loss of life by these hostilities, but a careful comparison of the reports fixes it at fifteen, four (two citizens and two soldiers) killed in the fight, and eleven citizens murdered subsequently by the Modocs. It is hoped, however, that some of those supposed to be killed have escaped. A copy of the correspondence with the governor of the State is also inclosed for the information of the commanding general. (G, H, I, and K.)

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding Department.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

A.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 10, 1872.

[Special Order No. 112.—Extract.]

1. In view of the proposed removal by the Indian Department of the Modoc Indians to the vicinity of Yainax Station, the post of Fort Klamath will be regarded as included in the District of the Lakes for the purposes of any military operations that may become necessary in aid of this removal.

It is not intended by this order to change the present relations between Fort Klamath and department headquarters, but simply to give the senior officer the power in an emergency to control all the military force and material at the several posts in that section of the country.

The commanding officer at Fort Klamath will make such reports to district headquarters as may be useful for the information of the district commander, or as may be called for by him.

* * * * * * *

By command of Brigadier-General Canby.

LOUIS V. CAZIARC,
First Lieutenant, Second Artillery, Aide-de-Camp, Acting Assistant Adjutant-General.

Official: H. CLAY WOOD, *A. A. G.*

B.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 10, 1872.

SIR: The commanding general instructs me to transmit, in addition to Special Order No. 112, of this date, a copy of his instructions to the commanding officer of the District of the Lakes regarding the intent with which he has restored your post for a temporary purpose to that district.

The general desires that by timely conferences with the district commander, should you upon your scout among the Modocs or thereafter discover any signs which may lead you to believe that they will resist their proposed removal, you will be able to draw such a force as may be necessary to disarm opposition and insure their peaceable removal under the orders that will hereafter be given.

The inclosed orders will therefore bring to your aid in an emergency any desired portion of the force and material at Harney, Warner, and Bidwell.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant, Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
Fort Klamath, Oregon.

C.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 10, 1872.

SIR: The commanding general has been advised by the superintendent of Indian affairs for this State that he has been instructed to bring in the Modoc Indians this fall and establish them in the vicinity of Yainax.

While he does not consider it probable that the Modocs will offer any resistance, or that the force at Fort Klamath will be insufficient to control them, it is possible that they may resist and require a greater exhibition of force than can be furnished from that post. To be prepared for this emergency and to enable action to be taken when the delay occasioned by reference to department headquarters might be injurious, the accompanying special order has been issued, giving the district commander the control in an emergency of the resources at Fort Klamath, in addition to those of the posts of the district.

No information has yet been received from the superintendent as to the precise time when or the manner in which this removal is to be made, and these instructions are simply precautionary. If the military force is to be used, it will only be in aid of the Indian Department and after peaceable means have been exhausted, but you should be prepared for the possibility that the attempt to remove them may result in hostilities, and be able to act promptly in that event for the protection of the frontier.

Major Green will make a scout in the Modoc country in the course of this month, and on his return will probably be able to advise you as to their disposition, and give you other information of value.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant, Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
Department of the Lakes.

D.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, October 16, 1872.

SIR: For the information of the commanding general I have the honor to report that I returned to Camp Warner, from Fort Klamath, on the 5th instant, and that in the opinion of Bvt. Col. John Green, First Cavalry, commanding Fort Klamath, and of Mr. Dyer, the Indian agent at Klamath, little, if any, serious difficulty in removing the Modocs to the Yainax reservation in December next is anticipated.

I start to-morrow morning for Camp Harney, Oregon, and the Malheur River country. Upon my return I will report on what has been accomplished by the several parties of troops that have been employed in repairing the road between Camps Harney and Warner.

The road between Camp Bidwell and this post is now in excellent order.

The bridge across Deep Creek will be built in November or December next.

Very respectfully, your obedient servant,

FRANK WHEATON,
Lieutenant Colonel, Twenty-first Infantry, Commanding.

To ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

E.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., October 30, 1872.

SIR: The commanding general instructs me to acknowledge the receipt of your letter of the 16th instant, relative to the removal of the Modoc Indians to the Yainax reservation, and directs me to say that the superintendent of Indian affairs for this State has informed him that he proposes to go into the Modoc country about the middle of next month (November) for the purpose of removing those Indians to the Yainax station. He does not anticipate any difficulty in accomplishing this, but if there should be a necessity for employing the military in aid of the removal he will promptly communicate with you upon the subject.

In giving such aid as may be necessary you will be governed by your own discretion, the commanding general suggesting only that if the intervention of the troops becomes necessary the force employed should be so large as to secure the result at once and beyond peradventure.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant, Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
District of the Lakes, Camp Warner, Oregon.

F.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, November 14, 1872.

SIR: I have the honor to acknowledge the receipt this date of your communication of October 30, 1872, conveying the department commander's wishes regarding the removal of the Modoc Indians, and to reply that Bvt. Col. John Green, major First Cavalry, commanding Fort Klamath, has been directed to keep me fully and promptly advised by courier of any change in the present attitude of the Modoc band. If it should be found necessary or advisable I shall move into the Modoc country with every available mounted man from Harney, Bidwell, Warner, and Klamath, and compel Captain Jack's immediate compliance with such orders as the Commissioner of Indian Affairs may have given in the case.

A heavy snow is upon us, and I hope it may not be found necessary to move troops other than those at Klamath at this inclement season.

The necessary arrangements will be made at once, and nothing will be permitted to delay a prompt compliance with the department commander's instructions.

Very respectfully, your obedient servant,

FRANK WHEATON,
Lieutenant-Colonel Twenty-first Infantry, Commanding.

TO ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

G.

STATE OF OREGON,
Executive Office, December 2, 1872.

SIR: At a late hour last night I received a telegram from Hon. A. G. Burnett, dated Linkville, Jackson County, November 30, informing me that a serious outbreak of the Modoc Indians had occurred in the Lake Basin in Southern Oregon, and that the settlers about Tule Lake had been slaughtered, that the regular troops in the vicinity, reenforced by citizens, had engaged the savages on the 29th, and that the forces there were insufficient to save settlements. The authority of the State was asked to raise a volunteer force to co-operate with the United States troops for the suppression of hostilities.

I also received a telegram from Ashland, Jackson County, forwarding a copy of a resolution of a meeting of over one hundred of the most respectable citizens there, asking compliance with the request contained in Mr. Burnett's telegram. I answered this morning, giving authority to raise a force of volunteers to co-operate with the regular troops, sufficient to quell disturbances and to protect the settlements. I have also dispatched an order to Brigadier-General James T. Glenn, of the First Brigade Oregon militia, resident at Jacksonville, to make inquiry into the condition of things in the Klamath country, and to report the result to me forthwith, and in the mean time to take such steps as the emergencies of the case require.

If, on full information being received, it shall appear that the outbreak is of the serious character now indicated, I most urgently solicit on behalf of our southern settlements such instant action on the part of the regular forces as you have the privilege of authorizing.

Most respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

MAJ. GEN. E. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oreg.

H.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 3, 1872.

THE GOVERNOR OF OREGON, *Salem:*

Adjutant-General Dennison showed me last night a telegram forwarded by your excellency in relation to the Indian troubles in the Modoc country. In anticipation of possible trouble with these Indians, the senior officer in that section was some time since given the control of all the troops—four companies of cavalry and three

of infantry—for the protection of that frontier. No official intelligence has yet been received, but I have no doubt that this force is now in or on the march to the Modoc country. All the other force within present reach has been prepared and will be sent up immediately.

Letter in answer to yours of yesterday by mail.

ED. R. S. CANBY,
Brigadier-General Commanding.

I.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 3, 1872.

His Excellency the GOVERNOR OF OREGON, *Salem, Oreg.:*

SIR: I have the honor to acknowledge the receipt of your communication of yesterday in relation to the hostilities with the Modoc Indians, and to state for your excellency's information that, upon being advised by the superintendent of Indian affairs for this State that he had been instructed to put these Indians upon the reservation, all the military force and material of the United States in that section of the country were placed under the control of the senior officer, Lieut. Col. Frank Wheaton, 21st Infantry; order inclosed. This order embraces the garrisons at Fort Klamath, Camp Warner, and Camp Harney, in Oregon, and Camp Bidwell, in California, in all a force of four companies of cavalry and three of infantry.

Lieut. Col. Wheaton was, at the same time, September 10, advised that the time and manner of the removal had not been determined, but that he should be prepared for the possibility that the attempt to remove them might result in hostilities, and that he should be prepared in that event to act promptly for the protection of the frontier. On the 30th of October he was notified that the superintendent would start for the Modoc country about the middle of November for the purpose of removing these Indians, and on the 19th of November he reported, in acknowledgement, that the necessary arrangement would be made at once for prompt compliance with the instructions. No further reports have yet been received, but I have no reason to doubt that, if not already in the Modoc country, where the hostilities commenced, a sufficient force to suppress them and give them protection to the frontier was close at hand.

I have received no reports from the commanding officer in the Klamath country in relation to these hostilities, and, in the absence of such reports, there is reason to hope that the difficulties are not so serious as now reported, and that there has been no loss of life among the settlers on that frontier.

The only additional force now within reach (two companies of infantry) will be sent up, and, if necessary, any that can hereafter be made available will be forwarded as soon as they can be reached—one company, probably, to-morrow.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding Department.

K.

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, December 4, 1872.

I have the honor to acknowledge the receipt of your communication of the 3d instant, in reply to my letter of the 2d, touching the existence of Indian hostilities in the South, and am gratified to acknowledge the prompt and decisive steps taken to suppress the Indian outbreak in Southern Oregon.

On perusal of your communication, and the inclosed copy of special order, I clearly see that the department commander has anticipated every contingency, and made every proper disposition for the protection of that frontier.

The demand for a surrender of the resisting chiefs in the presence of an inferior force seems to have initiated the difficulties. I have given direction for the withdrawal of the volunteers, probably not exceeding a hundred men, as soon as the regular troops take the field in force sufficient to protect the settlements.

Most respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

Brig. Gen. E. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oreg.

HEADQUARTERS DEPARTMENT COLUMBIA,
Portland, Oreg., December 8, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding, copies of correspondence* explaining the arrangements made for the protection of the part of the Modoc Indians not implicated in the late murders, and to request that the action taken may be approved.

It is anticipated that this party will reach Jacksonville or Ashland in season to be turned over to Major Mason's command, and the necessary instructions have been given.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsements.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, December 16, 1872.

Official copies respectfully forwarded to the Adjutant-General, approved.

J. M. SCHOFIELD,
Major-General Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
January 3, 1873.

Respectfully referred to the headquarters of the Army.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 6, 1873.

Respectfully submitted to the Secretary of War, referring to indorsement on the papers relating to the same subject—"Modoc Indians"—this day.

W. T. SHERMAN,
General.

[Inclosure No. 1.]

YREKA, CAL., *December* 5, 1872.

To L. V. CAZIARC: We have received the following letter:

"HAT CREEK, *Thursday, December* 5, 5 *o'clock a. m.*

"GENTS: Yesterday, p. m., Messrs. Fairchild, Davis, Ball, and Culver, of Oregon, started from this place with the Indians who have lived here and in this vicinity, some forty-five in number, for the reservation of Fort Klamath. When the party reached Bob Whittle's, on Link River, the Indian agent met them, and told them that there was a party who would mob them if they undertook to cross the river, and there were also some eight or ten men at Whittle's who opposed the party proceeding. The gentlemen above mentioned then undertook to enter into some arrangement to run the Indians through, and avoid Linkville, but the bucks became frightened and broke, and

* Presumed to be the "telegraphic correspondence" referred to in General Schofield's letter of December 13, 1872.

are now scattered all over the country, except a few who came back with the squaws and children in charge of Mr. Culvert. The danger now to be apprehended is from a mob who are at war with all who advocate a policy of peace for their own protection. It is very probable the Indians will make toward Yreka to deliver themselves up to the civil officers, and as they have never been connected with Captain Jack in this sad affair, and really desire peace and a home on the reservation, they ask protection of any white men who may meet them on their way. The agent informed Fairchild that the number of whites killed up to date is fifteen.

"ALEX. McKAY.

"To McConnell and McManus."

Since the above was written Mr. McKay has arrived at Yreka, asking the citizens, through the suggestions of Davis and Fairchild, to protect the above-named Indians, to see that they are safely lodged on the reservation. Captain Jack and his band are still on a general raid. What are your orders?

McCONNELL AND McMANUS.

[Inclosure No. 2.—Telegram.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 6, 1872.

Peaceable Indians not connected with Captain Jack's band or implicated in the present hostilities should be protected and conducted to the reservation.

It is hoped that the citizens in your place will aid in seeing that this is done.

ED. R. S. CANBY,
Brigadier-General Commanding.

Messrs. McConnell and McManus, *Yreka, Cal.*

[Inclosure No. 3.—Telegram.]

YREKA, CAL., *December* 6, 1872.

To Brigadier-General CANBY:

About forty peaceable Indians, including women and children, expected here to-night. Will have to transport to reservation via Rogue River Valley, with force enough to protect them. Will Government be responsible for transportation and other expenses attending? Answer.

McCONNELL AND McMANUS.

[Inclosure No. 4.—Telegram.]

PORTLAND, *December* 6, 1872.

To Messrs. McConnell and McManus, *Yreka, Cal.:*

Telegram received. Government will be responsible for the expenses attending the transportation and protection of the Indians referred to.

ED. R. S. CANBY,
Brigadier General, Commanding.

[Inclosure No. 5.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 6, 1872.

SIR: I have the honor to transmit, for your information, copies of telegraphic dispatches received and sent this morning in relation to one of the bands of the Modoc Indians.

Mr. Alexander McKay has been in the employment of the Army and of the Indian Department, and has the confidence of the officers serving in that section of the country.

Messrs. McConnell and McManus are gentlemen of Yreka, Cal., who are asked to

keep me advised of the news from the Modoc country, and whose standing is no doubt well known to your excellency, and the statements made by them may, I think, be relied on.

It has been well understood that the feeling of hostility manifested by the Modocs for several years past has been confined, in great measure, to that part of the tribe which is under the influence and control of Captain Jack, and the operations against these will be prosecuted as vigorously as possible until they are destroyed or captured, and all that may be captured will be turned over to the civil authorities for trial and punishment. Aside from the abstract injustice of making the Indians referred to in these dispatches responsible for the sins of others, the only result that will attend the threatened attack upon them will be to increase the difficulties, and probably add to the deplorable loss of life that has already been incurred, by making active enemies of those, also, who have been and are still disposed to be friendly.

Under ordinary circumstances there would have been, of course, no necessity for troubling your excellency, but in view of the great and natural excitement in that part of the country, and the possibility that it may induce acts that are neither humane nor wise, I have thought it not improper to ask your aid, if you think it necessary, in securing protection to those Indians until they reach some point where they can be turned over to the custody of the troops.

Of course, if any of these Indians are found to have been in any way implicated in the murders that have been committed, they will be turned over to the civil authorities for trial and punishment.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, U. S. A., Commanding.

His Excellency the GOVERNOR OF OREGON, *Salem, Oreg.*

[Inclosure No. 6.—Copy of telegram.]

SALEM, *December* 7, 1872.

To Brigadier-General E. R. S. CANBY,
Commanding Department Columbia, Portland:

I have telegraphed to General Ross, Jacksonville. Use your authority and influence to have all peaceable Indians not implicated in hostilities placed on reservation; but Captain Jack's band, and all implicated in hostilities with him, are to be captured and crushed out, and all the murderers are to be turned over to the civil authorities for trial and punishment.

L. F. GROVER,
Governor.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 10, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding the division, copies of the following papers in relation to the hostilities with the Modoc Indians:

1. Report of Major Green, commanding, &c., Fort Klamath.
2. Application of superintendent of Indian affairs for troops.
3. Major Green's report to commanding officer District of the Lakes.
4. Post orders directing movement of troops.
5. Captain Jackson's report of operations.

It will be seen that the action taken was upon application of the superintendent, and that the collision was precipitated by the opinion entertained that if the Indians could be surprised in their camp they could be induced to surrender and go upon the reservation without further trouble. The execution of the orders and the behavior of the troops are entirely satisfactory, and are to be commended, but there appears to have been a want of proper precaution and preparation for the possible contingency of failure, which may be explained by fuller details or by information from the district commander. I do not think

that the operations will be protracted. The snow will drive the Indians out of the mountains, and they cannot move without leaving trails that can be followed. It will involve some hardship upon the troops, but they are better provided and can endure it better than the Indians. In this respect the season is in our favor.

The employment of Indian scouts will be authorized, and the commander of the district will be instructed to enlist and organize them under the provisions of the 6th section of the law of July 28, 1866, and I have the honor to request that this may be approved.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, December 17, 1872.

Respectfully forwarded to the Adjutant-General.

It appears evident that a serious mistake was committed in sending a small force to do what, from the defiant attitude of the Indians, would manifestly require a much larger force. Possibly, as suggested by General Canby, future reports may throw some additional light on this subject. I recommend that the employment of Indian scouts as authorized by the department commander, be approved.

Now that the war has commenced, the quickest way to end it will be the cheapest and best.

J. M. SCHOFIELD.
Major-General, Commanding.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL OFFICE,
January 3, 1873.

Respectfully referred to the headquarters of the Army.

E. D. TOWNSEND,
Adjutant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 6, 1873.

Respectfully submitted to the Secretary of War in connection with the other papers on the same subject, asking that I be authorized to inform General Canby that his action in employing Indian scouts is approved.

W. T. SHERMAN, *General.*

[Inclosures.]

HEADQUARTERS FORT KLAMATH, OREGON,
December 3, 1872.

SIR: I have the honor to inclose copies of communications and orders, numbered in the order in which they should be read, which explain themselves.

It was believed that the Modocs would submit to go on a reservation if surprised by the troops; if not, the leaders were to be arrested if possible, in the hope that the balance would surrender.

The troop made its march as expected, and completely surprised the Indians, and could have almost destroyed them had it not been fair to give them a chance to submit without using force.

The Modoc Indians have persistently defied the authority of the Government of the United States, and they should have known better, as they have been a great deal with the whites, but I fear they have had some bad advisers.

I would most respectfully request that the department commander approve of the orders which require expenditures and the employment of packers. I expect that the cavalry troop from Camp Warner will reach the field of operations by the 6th or 7th instant, after which, when I hear from district headquarters, I expect to go to the field in person.

If the war be prolonged (and I fear it will be) it will be necessary to have a depot of supplies at or near Tule Lake for the troops operating against the Indians. There should also be authority for the employment of fifteen or twenty scouts.

In conclusion I would state that I understand the superintendent of Indian affairs for Oregon left Linkville for Jacksonville as soon as he heard that the troops had a fight.

At the urgent request of citizens of Linkville, I have issued twenty muskets and ten carbines, with ammunition, for self-defense. I have also issued ten carbines to the Yainax agency and ten to the Klamath agency, at the request of the agents.

I understand from Mr. Dyar, agent for the Klamaths, that he has sent thirty or forty Klamath Indians into the Modoc country.

I am, sir, very respectfully, your obedient servant,

JOHN GREEN,
Major First Cavalry, Commanding.

OREGON SUPERINTENDENCY,
Link River, November 27, 1872.

SIR: The bearer of this, Mr. J. D. Applegate, has just returned from the camp of the Modoc Indians, and he informs me that they defiantly decline to meet me at this place in accordance with my request sent by him. They authorized him to say that they did not desire to see or talk with me, and that they would not go upon Klamath reservation. In order, therefore, to carry out instructions from the Commissioner of Indian Affairs, I have to request that you at once furnish a sufficient force to compel said Indians to go to Camp Yainax on said reservation, where I have made provisions for their subsistence.

I transfer the whole matter to your department, without assuming to dictate the course you shall pursue in executing the order aforesaid, however, that you may accomplish the object desired without shedding blood, if possible to avoid it.

If it shall become necessary to use force, then I have to request that you arrest Captain Jack, Black Jim, and Scar-faced Charley, and hold them subject to my order. I understand that these leaders, with only about half of their warriors, are encamped near the mouth of Lost River, and if a force could be immediately sent to that place, I think they might be induced to surrender and come upon the reservation without further trouble.

Very respectfully, your obedient servant,

T. B. ODENEAL,
Superintendent Indian Affairs for Oregon.

HEADQUARTERS FORT KLAMATH, OREGON,
November 28, 1872.

SIR: I have the honor to inclose a communication from the superintendent of Indian affairs of Oregon, received this morning at 5 o'clock, also copy of my post order, No. 93, of this date, in compliance with which Captain Jackson left this morning at 9 o'clock. Each of the above will explain itself.

How the matter will end is yet to be seen, but in order to be prepared for any emergency, I would respectfully recommend that the cavalry troop at Camp Warner be at once ordered to this post.

I am, sir, very respectfully, your obedient servant,

JOHN GREEN,
Major First Cavalry, Commanding.

ACTING ASSISTANT ADJUTANT GENERAL,
District of the Lakes.

[Orders No. 93.]

HEADQUARTERS FORT KLAMATH, OREGON,
November 28, 1872.

In compliance with the request of the superintendent of Indian affairs for Oregon, dated Link River, November 27, 1872, Capt. James Jackson, First Cavalry, with all the available men of his troop, will proceed at once via Link River to Captain Jack's camp of Modoc Indians, endeavoring to get there before to-morrow morning, and if any opposition is offered on the part of the Modoc Indians to the requirements of the superintendent, he will arrest, if possible, Captain Jack, Black Jim, and Scar-faced Charley. He will endeavor to accomplish all this without bloodshed, if possible, but if the Indians persist in refusing to obey the orders of the Government, he will use such force as may be necessary to compel them to do so; and the responsibility must rest on the Indians who defy the authority of the Government.

Captain Jackson is authorized to make any expenditures that may be necessary for the accomplishment of this object.

The post-quartermaster will send a pack-train with supplies to follow the troop, and he is authorized to hire such packers as may be necessary.

The troop will carry three days' rations on their saddles.

Assistant Surgeon Henry McElderry and Lieutenant Boutelle, acting post-adjutant, will accompany the expedition.

By order of Maj. John Green:

F. A. BOUTELLE,
Second Lieutenant First Cavalry, Adjutant.

[Orders No. 94.]

HEADQUARTERS FORT KLAMATH, OREGON,
November 30, 1872.

Information having just been received that Capt. James Jackson with his troop has had a severe engagement with the Modoc Indians, and that the citizens of that country are in danger, all the available men of Company F, Twenty-first Infantry, under the command of the first sergeant, (John McNamara) will proceed immediately via Linkville to the Modoc country, to such points as Mr. Dyar, Indian agent, may designate for the defense of the people.

The post-quartermaster will furnish the necessary transportation.

The company will be furnished with twenty days' rations. The post-quartermaster is also authorized to employ a guide.

When the sergeant gets to that country, he must to some extent use his own judgment as to the locality of his camps, being guided by such information as he may receive from time to time as to the necessities of the citizens.

If possible he will communicate with Capt. James Jackson, reporting his whereabouts.

The sergeant will leave the wagon with supplies for Capt. James Jackson's troop at Linkville, in care of Corp. Jacob Moyer, F Company, Twenty-first Infantry, who will, if possible, send a message to Capt. James Jackson, reporting his arrival.

JOHN GREEN,
Major First Cavalry, Commanding.

CRAWLEY'S RANCH, LOST RIVER, OREGON,
November 30, 1872.

MAJOR: I have the honor to report that I jumped the camp of Captain Jack's Modoc Indians yesterday morning, soon after daylight, completely surprising them.

I demanded their surrender and disarming, and asked for a parley with Captain Jack. Captain Jack, Scar-faced Charley, Black Jim, and some others would neither lay down their arms nor surrender, and some of them commenced making hostile demonstrations against us, and finally opened fire. I immediately poured volley after volley among the hostile Indians, took their camp, killed eight or nine warriors, and drove the rest into the hills. During the engagement I had one man killed and seven wounded, three of the last severely and perhaps dangerously.

The band that I attacked was on the south side of the river; another smaller band on the north side was attacked by a party of ten or twelve citizens, and their surrender demanded; but when the firing commenced in Captain Jack's camp, these Indians opened on the citizens, and drove them to the refuge of Crawley's ranch. One citizen was killed during the fight, and two others coming up the road unconscious of any trouble, were shot; one (Mr. Nuss) mortally wounded, and the other (Joe Pennig) badly. My force was too weak to pursue and capture the Indians that made off, owing to the necessity of taking immediate care of my wounded, and protecting the few citizens who had collected at Crawley's ranch. The Indians were all around us, and,

apprehensive of a rear attack, I destroyed Captain Jack's camp, and crossed to the other side of the river by the ford, a march of fifteen miles, taking post at Crawley's ranch, where I now am. I need re-enforcements and orders as to future course. There are a number of citizens and families in the valley it will be necessary to look after and protect, if they are not already killed. Most of the Indians have retired to their caves south of Tule Lake, but I imagine will soon be out in war parties.

From the best information I can get, Captain Jack, Scar-faced Charlie, and Black Jim are killed or mortally wounded.

The troop behaved gallantly and deserves every praise. The fight was at close-quarters, and very severe for thirty minutes. The citizens engaged did good service, I learn, and deserve much credit; but for them we would have had a fire in rear that would have been very destructive. The Indians or their leaders were determined on a fight at all hazards, and got enough of it, I think. The worst men among them are undoubtedly killed, not less than 16 of them being put out of the way. I need more men, for the valley will have to be scouted to protect the citizens. The troop from Warner should come over immediately, if it is intended to pursue these Indians. Please send me instructions by courier at once. Dr. McElderry, who goes up this morning with the wounded, will give you more detailed information.

Citizens killed, John Thurber, William Nuss; wounded, Joe Pennig.

Soldiers killed, Private Harris; soldiers wounded, Corporal Fitzgerald, severely; Corporal Challinor, Private Totten, Private Doyle, Private Kasshafer, severely; Private Kershaw, Private Gallagher, severely.

In haste, I am, respectfully, your obedient servant,

JAMES JACKSON,
Captain First Cavalry, Commanding B Troop.

Major JOHN GREEN,
First Cavalry.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 8, 1873.

GENERAL: By direction of the General of the Army you are hereby informed that your action in employing Indian scouts, referred to in your letter of December 10, 1872, to the adjutant-general, Military Division of the Pacific, is approved by the Secretary of War.

Very respectfully, your obedient servant,

WM. D. WHIPPLE,
Assistant Adjutant-General.

Brig. Gen. E. R. S. CANBY,
Commanding Department of the Columbia, Portland Oreg.

WAR DEPARTMENT,
Washington City, January 14, 1873.

SIR: This Department is in receipt of reports from the Department of the Columbia of an engagement near Fort Klamath, Oregon, between the military forces and a band of Modoc Indians, whom they were endeavoring, under the orders of the Indian superintendent, to compel to go upon their reservation, copies of which I have had prepared and transmit herewith for your information.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, December 5, 1872.

SIR: For the information of the general commanding the department, I have the honor to submit herewith copies of my correspondence with

F. B. Odeneal, superintendent of Indian affairs for Oregon, of reports received from Major Green, First Cavalry, commanding Fort Klamath, including Capt. James Jackson's report of his fight with the Modocs; also copies of my instructions and orders to commanding officers at Fort Klamath, Camp Bidwell, California, and Harney.

By this correspondence it will be seen that every available soldier at my disposal is now in the Modoc country.

Indian runners from Yainax assure me that Captain Jack was killed by the troops soon after he opened fire on them at his camp, his supplies and camp burned, and his stock captured by the troops.

If this is the case, I do not believe we need anticipate a continued resistance from this little band of Modocs. Of course, unless other instructions are received, field operations against the hostile parties of the Modocs will be continued until their submission is complete, and until they obey the superintendent's orders.

The best informed officials at Klamath and Yainax had assured me Captain Jack would not resist military authority, and his defiant attitude and ultimate firing on Captain Jackson's force, killing citizens and soldiers, was as unexpected as it was deplorable.

I am, very respectfully, your obedient servant,

FRANK WHEATON,
Lieut: Col. Twenty-first Infantry, Com'd'g District of the Lakes.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oregon.

1.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, November 14, 1872.

SIR: I am directed by the commanding officer District of the Lakes to inform you that instructions just received from the general commanding the department state that an effort will be made during this month, by the superintendent of Indian affairs for Oregon, to remove Captain Jack and his band of Modoc Indians to the Yainax reservation.

Though the superintendent does not now anticipate any difficulty in accomplishing this without the aid of troops, still it may possibly be necessary to use, or at least make a show of, military force.

You will please render the superintendent every facility in your power, if called upon to do so, and report at once whether in your opinion a larger force than you now have will be required to accomplish the desired removal.

You will please report by courier anything of importance or interest that you may learn concerning the Modocs, or the movements of the superintendent of Indian affairs for Oregon, and send your reply to this letter by courier at an early date.

Very respectfully, your obedient servant,

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

COMMANDING OFFICER,
Fort Klamath, Oregon.

2.

HEADQUARTERS FORT KLAMATH, OREGON,
November 25, 1872.

SIR: In reply to your communication of November 14, 1872, I have the honor to report that matters remain very much as they were when the district commander was at the post.

There has been no effort made, as far as I know, to remove the Modocs; however, I learn the superintendent of Indian affairs for Oregon came up with Major Eggleston

this evening, but he has made no request of me as yet, and of course could not in so short a time.

I sent my scout to the Modoc country, who has just returned, and states that the situation is the same as when I visited them, and it is to be seen what they will do when ordered to Yainax.

If they refuse to go, of course the larger the force that can be brought against them the quicker the matter will end.

I would therefore respectfully recommend that the cavalry troop at your headquarters be kept in readiness to join that at this post, if required by the superintendent.

In conclusion, I would assure the district commander that he will be notified of any emergency so soon as I am aware of it myself.

I am, sir, very respectfully, your obedient servant,

JOHN GREEN,
Major First Cavalry, Commanding.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of the Lakes, Camp Warner, Oregon.

3.

OREGON SUPERINTENDENCY, KLAMATH AGENCY,
November 25, 1872.

SIR: I am here for the purpose of putting the Modoc Indians upon the reservation, in pursuance of an order from the honorable Commissioner of Indian Affairs, a copy of which is as follows, to wit:

"You are directed to remove the Modoc Indians to Camp Yainax on Klamath reservation, peaceably if you possibly can, but forcibly if you must."

I have requested the head-men of the tribe to meet me at Link River on the 28th instant, at which time I shall endeavor to persuade them to return to Yainax at once.

In the event they shall refuse to meet me, or shall refuse to come upon the reservation voluntarily, then I shall call upon you for a suffieient force to compel them to do so.

They have some eighty well armed warriors, and I would respectfully suggest that as large force be brought to bear against them at once as you can conveniently furnish, in the event it shall be determined that they cannot be removed peaceably.

This will, I think, overawe them, and probably render the shedding of blood unnecessary.

Immediately after the conference referred to, I will inform you of the result thereof, and in the meantime I have to request that all necesary preliminary arrangements be made for concentrating the forces at your command, and having them ready for active operations.

Very respectfully, your obedient servant,

F. B. ODENEAL,
Superintendent Indian Affairs for Oregon.

Lieut. Col. FRANK WHEATON,
Commanding District of the Lakes, Camp Warner, Oregon.

4.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, November 29, 1872.

SIR: Your letter concerning the proposed removal of the Modoc band to the Yainax reservation was duly received, and in reply thereto I would state that, under instructions from the commanding general Department of the Columbia, the necessary preliminary steps have already been taken for the concentration of all available mounted men of the garrisons at Harney, Bidwell, Warner, and Klamath, with a view to their employment against the Modocs, if they will not move peaceably to Yainax.

I trust there will be no serious difficulty in inducing these Indians to make the desired move, but if there should be, you may rely upon my full and hearty co-operation to enable you to carry out any instructions you may at any time receive concerning the Modocs or other Indians in this vicinity.

The troops nearest to Klamath will move promptly to re-enforce Colonel Green's command, whenever it becomes necessary.

I am confined to my bed with a severe attack of quinsy, but hope to be out soon.

If you should have occasion to visit this section of the country, I shall be glad to receive and entertain you.

Very respectfully, your obedient servant,

FRANK WHEATON.
Brevet Major-General, U. S. A.,
Lieutenant-Colonel Twenty-first Infantry, Commanding District of the Lakes.

Mr. F. B. ODENEAL,
Superintendent Indian Affairs for Oregon, Klamath Agency.

5.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, November 29, 1872.

SIR: I am directed by the district commander to acknowledge the receipt of your communication of the 25th instant; he desires me to say he would write you more fully were it not for his being confined to his bed with sickness; he hopes to be about again in a few days.

Should you require the services of Captain Perry's troop, it can be sent you on a moment's notice.

I am, sir, very respectfully, your obedient servant,

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

COMMANDING OFFICER,
Fort Klamath, Oregon.

6.

Copy of letter from Maj. John Green, First Cavalry, commanding Fort Klamath, Oregon, to commanding officer District of the Lakes, dated November 28, 1872.

7.

Copy of letter from F. B. Odeneal, superintendent of Indian affairs for Oregon, to commanding officer, Fort Klamath, Oregon, dated November 27, 1872.

8.

Copy of orders No. 93, headquarters Fort Klamath, Oregon, November 28, 1872 ordering Captain Jackson, First Cavalry, with his company to Link River.

9.

Copy of letter from commanding officer, Fort Klamath, Oregon, to commanding officer, District of the Lakes, dated December 1, 1872.

10.

Copy of letter from Capt. James Jackson, First Cavalry, to commanding officer Fort Klamath, Oregon, (report of fight with Modocs,) dated November 30, 1872.

11.

Copy of orders No. 94, headqnarters Fort Klamath, Oregon, November 30, 1872, ordering all available men company F, Twenty-first Infantry, to Linkville.

12.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, December 1, 1872.

SIR: I am directed by the commanding officer District of the Lakes to acknowledge the receipt of your communication of November 28, 1872, and its inclosures, showing that Captain Jack, the chief of the Modoc band, refuses to obey the orders of Mr. F. B. Odeneal, superintendent of Indian affairs for Oregon.

I am also directed to inform you that, owing to the sickness of the district commander, who has been confined to his bed for several days, he requests you to represent him in this matter, and by his direction compel the Modocs to render prompt and implicit obedience to the superintendent's authority and orders, all the force at your command to be used to this end; it will be re-enforced by Captain Perry's Troop F, First Cavalry, and a detachment from Camp Bidwell, California, making a force of about seventy-five completely equipped cavalry. This, with Captain Jackson's troop, will will give you for field-service about one hundred and fifty cavalry.

You will please proceed at once with this command to Captain Jack's camp, arrest him and the head-men who deny the superintendent's authority, and compel their obedience.

It is not believed that more than a show of military force will be necessary to awe the sixty armed Modocs into submission, and only as a dire necessity and as a last resort will you permit the troops to engage and kill any of the Modocs, the object being to compel Captain Jack and his people to recognize Superintendent Odeneal's authority, without bloodshed, if it is possible.

If it should become necessary, the district commander will bring the mounted force from Camp Harney, and as soon as possible, join you in the field.

The Modocs must be brought to terms if it takes every soldier in the district, or more, to accomplish it.

Captain Perry will leave Camp Warner with his detachment on Tuesday morning, December 2, 1872, with orders to report to you at Klamath; he will obey any orders you may send him while he is *en route* to your post.

You are authorized to employ such interpreters, scouts, guides, packers, and expressmen, temporarily, for this special service as may be necessary.

You will please keep the district commander fully and promptly advised of the situation, and immediately communicate with Superintendent Odeneal, showing a desire to sustain and aid him.

Should the presence of Captain Jackson's force of cavalry in the Modoc country already have accomplished all that Mr. Odeneal desires, and Captain Perry's re-enforcement not be required, you will please direct its return to Camp Warner.

Very respectfully, your obedient servant,

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

COMMANDING OFFICER,
Fort Klamath, Oregon.

13.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, December 3, 1872.

SIR: By direction of the commanding officer district of the lakes, I inclose you a copy of Captain Jackson's report of his recent fight with the Modoc Indians, near Crawley's ranch, Tule Lake, about 36 miles from Klamath.

In order to protect the road between Lake City and Linkville, and in order to prevent any depredations by the Modocs between Dorner's Bridge and Tule Lake, you will, with the least possible delay, send or take all your available force, leaving at your post only such men as may be absolutely necessary as a guard, to Crawley's ranch, about 96 miles from Bidwell, where Captain Jackson is now supposed to be, in order to co-operate, if it is necessary, with Captain Jackson's troop from Klamath, or with Captain Perry's troop from Warner.

Capt. D. Perry's command, including Lieutenant Kyle's detachment, leaves Rigg's ranch, at north end of Goose Lake Valley, to-night, and makes forced marches via Yainax to Crawley's ranch to join Captain Jackson.

Captain Perry's wagons do not accompany him, but will be moved to Klamath for supplies.

Moving by the route indicated, you will open communication with Captain Jackson or Captain Perry at the earliest date. If Major Green is with either command, report to him for further instructions; if he is not, co-operate with either of the two troops until you receive orders from Major Green, who will be notified by courier of your intended route, &c.

Unless Major Green should consider it essential, the detachment herein ordered from your post will not be detained any length of time in the Modoc country; it is believed that Captain Jackson and Captain Perry's troops, and Lieutenant Kyle's detachment, will be a sufficient force for present operations against the Modoc band, said to be seventy stong, and the movement herein ordered is mainly as a protection to the road above indicated, and to re-assure settlers in that region.

In order to comply promptly with these orders, you are authorized to employ, temporarily for the trip, such guides, packers, &c., as may be necessary.

The detachment herein ordered should be supplied with not less than eight days' rations.

By command of Lieut.-Col. Frank Wheaton, commanding District of the Lakes:

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

Capt. R. F. Bernard,
Commanding Camp Bidwell, California.

[Special Orders No. 16.]

Headquarters District of the Lakes,
Camp Warner, Oregon, December 1, 1872.

The commanding officer of Camp Harney, Oregon, will send, without delay, to report at these headquarters, a detachment consisting of one commissioned officer, four non-commissioned officers, and thirty enlisted men from the cavalry troop serving at that post.

The necessary transportation for carrying supplies as far as Camp Warner will be provided, and the detachment will be mounted on the best available horses.

It is possible that this detachment will be needed in the force required to place the Modoc Indians on the reservation at Yainax, where they now defiantly refuse to go.

The detachment should be armed with carbines and pistols, with only the amount of ammunition carried in the cartridge boxes; a further supply, if required, can be furnished from the ordnance store-house at these headquarters.

By command of Lieut.-Col. Frank Wheaton:

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

15.

Headquarters District of the Lakes,
Camp Warner, Oregon, December 5, 1872.

Major: I am directed to acknowledge the receipt of your communication of December 1, 1872, inclosing Captain Jackson's report of his attack on the Modoc camp, November 29, 1872, after the Modocs had opened fire on his command.

Now that Captain Jack's band of Modoc Indians have commenced hostilities, killed and wounded citizens and United States soldiers, they must of course be treated like other hostile savages who refuse to go upon a reservation, and be hunted and pursued until their submission to the Government is complete.

Capt. D. Perry with his troop F, First Cavalry, and Lieutenant Kyle's detachment from Camp Bidwell were *en route* to Rigg's ranch, when they met the courier bringing the dispatch referred to above.

Captain Perry has been authorized to open any communications "*en route*" to district headquarters. He reports that he will make forced marches from the head of Goose Lake Valley to join Captain Jackson, via Yainax, sending his wagons to Klamath for supplies. He was directed to send an Indian runner from Yainax, to notify you when he reached and when he left that point.

Inclosed you will please find a copy of orders sent Capt. R. F. Bernard, First Cavalry, commanding Camp Bidwell, California. Bernard's movements toward Klamath via Lake

City, pass Dower's Bridge and Hesse's ranch to Crawley's ranch. Tule Lake will be important to re-assure settlers on these roads, and if the Modocs have not already come to terms, by the time he enters their country from the rear, and unexpectedly, his presence will have a good effect, and you may find use for his command, if Captain Jack's band has scattered to elude pursuit.

Should you have moved the troops from the vicinity of Crawley's, please send Captain Bernard your orders by special courier; he is ordered to report to you.

You have under your direction every man that can be mounted from Warner, Bidwell, and Klamath.

The district commander has detained your couriers until this morning, to send you accurate information of Captain Bernard's movement; he left Camp Bidwell at 10½ a. m. yesterday, December 4, 1872, with a detachment of 24 men, no pack-mules or wagons, 5 days' rations on his saddle; he will make forced marches to join Captain Jackson as soon as practicable; a wagon of supplies follows him to Dower's Bridge.

Very respectfully, your obedient servant,

JOHN Q. ADAMS,
First Lieutenant First Cavalry, A. A. A. G.

Major JOHN GREEN,
Commanding Fort Klamath, Oregon.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 21, 1872.

Official copy respectfully furnished the Assistant Adjutant-General, Military Division of the Pacific, for the information of the division commander.

The communications marked 6, 7, 8, 9, 10, and 11, were furnished with my letter of December 10, 1872.

ED. R. S. CANBY,
Brigadier-General Commanding.

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, January 3, 1873.

Respectfully forwarded to the Adjutant-General.

J. C. KELTON,
Lieutenant-Colonel, A. A. G.,
In absence of Brig. Gen. CANBY,
Temporarily Commanding.

CAMP AT CRAWLEY'S RANCH,
Lost River, Oreg., December 2, 1872.

MAJOR: I sent you two days ago a hasty report of operations in the field. I have now the honor to submit a detailed report of my operations since I left Fort Klamath, Oregon.

In compliance with your orders, No. 93, of November 28th, I moved from Fort Klamath, Oregon, at 11 a. m., with Lieutenant Boutelle, Doctor McElderry, thirty-six men of B Troop in column, and four with the pack-train. Guided by Mr. Ivan Applegate, we marched all day and night, through a heavy rain-storm, and arrived at the principal camp of the Modoc Indians about daylight. Forming line, I moved down on the camp at a trot, completely surprising the Indians, and creating great commotion among them. Halting just at the edge of the camp, I called to them to lay down their arms and surrender. I also got Mr. Applegate to interpret to them my intentions, and ask them to comply with the orders of the Indian Department. Some of them seemed willing to do so, but Scar-faced Charlie, Black Jim, and some

others, kept their guns and commenced making hostile demonstrations against us. After repeated demands on them to lay down their arms and surrender had been unheeded, and seeing that the hostile Indians were getting more numerous and determined, I directed Lieutenant Boutelle to take some men from the line and arrest the leaders, if possible. This order was followed by firing on the part of the Indians, and a general engagement immediately ensued. I poured in volley after volley among their worst men, killing most of them, capturing the camp, and driving the Indians to the refuge of the brush and hills, from whence they kept up a desultory fire for some little time. I lost during the engagement, and almost at the first fire, one man killed and seven wounded, and one horse killed. After driving the Indians out of range it became necessary to take care of my wounded, to prevent the squaws remaining in camp from killing and mutilating them. Leaving a slight skirmish line in charge of Lieutenant Boutelle, I took what men could be spared and had the dead and wounded carried to the river-bank, and from there canoed across the river and carried to Crawley's ranch, about a half mile below.

I then dismantled the camp, capturing Captain Jack's three rifles and his two saddles. All Indian guns found in the camp were broken up or thrown in the river.

At the same time that I moved on the main camp of the Modocs, a smaller camp on the north side of the river was attacked by ten citizens, among them Mr. Oliver Applegate, Mr. Brown, Mr. Jack Burnett, Mr. Dennis Crawley, Mr. C. Munroe, Mr. Thurber, Mr. Colwell, and others; they also demanded the surrender of these Indians, which was not acceded to, and when the firing commenced in the main camp they opened on the citizens and the citizens on them. One citizen (Mr. Thurber) was killed, and it is believed several Indians were killed and wounded. The citizens, after the first attack, retired to Mr. Crawley's ranch and kept up the fight at long range, preventing the Indians from crossing the river and attacking my flank or rear.

Two citizens coming up the road, not knowing of the fight, were shot, one mortally and the other dangerously wounded. Soon after the fight, Mr. Applegate, Mr. Brown, Mr. Burnett, and some others, left to warn citizens in other places of danger, leaving but a small force at the house where my wounded had been sent, and where a family resided. Mr. Crawley rode up and asked for protection at the ranch, stating that the Indians were preparing for a new attack.

I mounted my command and moved out at a trot for the ford, some eight miles up the river, sending Lieutenant Boutelle with a skirmish line to clear the Indians out of the sage-brush, which he did effectually. It was between 3 and 4 o'clock when the troop arrived at the ranch, where we took post to await supplies and care for the wounded. While moving around to the ranch, some straggling Indians collected on the other side of the river and burned a hay-stack and house belonging to Mr. Munroe. After this they moved out down Tule Lake for their refuge in the caves and rocks south of the lake. One band from the north side of the river, who had been fighting the citizens, moved down on that side of the lake during the fight and commenced killing the unwarned inhabitants of Tule Lake Valley.

It was not until the next morning after the fight, while sending the wounded away in charge of the surgeon, that I learned there were any inhabitants near the scene of conflict, or that they had been unwarned of approaching danger. I immediately sent a detachment with Mr. Crawley to ascertain the condition or fate of these people. He visited

the first place, (Mr. Boddy's,) about three and a half miles below his (Mr. Crawley's) ranch, and found the house deserted, but everything in order, no sign of attack or murder, no tracks around the house, a dog tied to the door-step, and animals in the corral. Thinking from appearance that the family must have had warning and fled, and believing that the warning had been carried down the valley, he came back and so reported.

That evening, November 30, I moved to the ford to meet the supply-train and prevent its being intercepted by prowling bands of Indians. The pack-train came up at midnight, and the next morning, December 1, the command was moved back to Crawley's ranch for station, until such time as supplies sufficient for a campaign could be collected. The evening of the 1st December, two citizens, residents of Tule Lake Valley, came in and reported that the men of the Boddy family had been murdered right after or during the fight by the band of Indians who had escaped, and that the women of the family had not been molested, but had walked across the mountains to Lost River bridge, and were then at Linkville. Lieutenant Boutelle with a detachment was sent down with these men this morning, and some of the bodies of the Boddy family found in the timber, quite a distance from the house where they had been cutting and hauling wood. The detachment was proceeding on down the valley when they were met by Mr. Ivan Applegate, Mr. Langell, and some others, who had come up the valley, visiting the ranches on the north side of the lake. They reported the killing of the men of the Brotherton family, (three,) two herders, and Mr. Henry Miller. Mrs. Brotherton with her two little boys had fought the Indians away from the house, wounding some of them. She with her three children, two boys and a little girl, came up with the party of citizens and soldiers, and are now at this station. Quite a party of citizens have collected here.

To-morrow quite a large force will move down the valley to hunt up the remains of the murdered inhabitants. I send you a list of those known or supposed to have been killed:

Mr. William Boddy, Rufus Boddy, William Boddy, jr., Nicholas Shearon, William Brotherton, W. K. Brotherton, Rufus Brotherton, Christopher Erasmus, Robert Alexander, John Tober, ——— Collins, Henry Miller.

I have sent a detachment to Clear Lake for the protection of Mr. Jesse Applegate's family, and will move the infantry you send me into Langell Valley and Clear Lake, the only places now threatened. A company of Klamath Indians, thirty six in number, commanded by Captain Ferre of Klamath Indian agency, came in to-day and will go out on the trail of the Modocs to-morrow to hunt them up and keep them from raiding, until the troops can move on their hiding-places.

I think it will be necessary to make a depot of supplies at this point, as beyond this, in the direction the Indians have gone, wagons cannot be moved any distance, and the troops will have to depend on a pack-train for supplies.

The troop behaved splendidly under fire, although a number of the men were raw recruits. Dr. McElderry was present on the field during the fight, and I take great pleasure in commending him and Lieutenant Boutelle for coolness, gallantry, and efficient service.

I am, major, very respectfully, your obedient servant,

JAMES JACKSON,
Captain First Cavalry, commanding B Troop.

Maj. JOHN GREEN,
First Cavalry, Commanding Fort Klamath, Oregon.

[Indorsements.]

HEADQUARTERS FORT KLAMATH, OREGON,
December 7, 1872.

Respectfully forwarded to department headquarters.

Captain Jackson is entitled to great credit for making the march he did, and so completely surprising the Indians. He and the officers under him, as well as the troop, behaved most gallantly in this affair, and faithfully carried out my instructions.

Assistant Surgeon Henry McElderry is also entitled to great credit for his care of the wounded and devotion to them.

Lieutenant Boutelle I know to be a gallant and brave officer deserving all the praise Captain Jackson gives him.

It is gratifying to be able to add that during the fight no Indian women or children were killed, except one child accidentally shot.

JOHN GREEN,
Major First Cavalry, Commanding.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg, December 21, 1872.

Official copy respectfully furnished the assistant adjutant-general, Military Division Pacific, for the information of the division commander.

ED. R. S. CANBY,
Brigadier-General, Commanding.

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, January 4, 1872.

Respectfully forwarded to the adjutant-general.

J. C. KELTON,
Assistant Adjutant-General.
In absence of Brig. Gen. E. R. S. CANBY,
Temporarily Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 15, 1873.

Respectfully referred to the Headquarters of the Army, before being submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, January 16, 1873.

Respectfully submitted to the Secretary of War for his information.

At this distance it is impossible to judge of the steps necessary to maintain the peace of the frontier; but Gen. E. R. S. Canby is in actual command of all the troops and resources of the country, and will doubtless bring this matter to a satisfactory end.

W. T. SHERMAN,
General.

WAR DEPARTMENT,
Washington City, January 27, 1873.

SIR: I have the honor to transmit for your information copy of the report of Capt. James Jackson, First Cavalry, of the fight with the Modoc Indians, at Lost River, Oreg., November 29, 1872, together with copies of correspondence between the commanding officer, District of the Lakes, and the superintendent of Indian Affairs for Oregon.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 20, 1873, 6.45 *p. m.*

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.:

Colonel Wheaton attacked the Modoc stronghold on the 17th instant with a force of four hundred men, and failed to dislodge them after a fight lasting from 8 o'clock in the morning until dark. His loss is about forty, killed and wounded. Two officers, Captain Perry, severely, and Lieutenant Kyle, slightly, wounded. I have ordered two companies of artillery and two companies of infantry from the Department of California, and one of artillery and one of infantry from the Department of the Columbia into the District of the Lakes. A company of cavalry from the Department of California was ordered into the district for the protection of Surprise Valley on the 18th instant, and will also be available.

E. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 20, 11.40 *p. m.*

ASSISTANT ADJUTANT-GENERAL,
Headquarters of the Army, Washington, D. C.:

Reports from interior posts as to the disposition of the Indians are entirely satisfactory, although they appear to be fully apprised of the difficulties with the Modocs. The force in the Modoc country, when troops ordered arrive, will be about six hundred regulars, exclusive of the garrisons that have been left at Bidwell, Klamath, Warner, and Harney. This leaves some parts of the country inadequately guarded, if other Indians should take part with the Modocs or be disposed to make war on their own account.

To provide for this, I recommend that conditional authority be given

to call upon the governors of California and Oregon for two companies of volunteers from each State.

I also recommend that authority be given to muster into the service one hundred Indian scouts.

ED. R. S. CANBY,
Brigadier-General Commanding.

NOTE.—The detailed reports of the engagement of January 17, 1873, and of preliminary operations, are inserted here to complete the history of that affair.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 15, 1873.

SIR: I have the honor to transmit a copy of a report from the commanding officer of the District of the Lakes in relation to affairs in the Modoc country, and to the immediate cause of the present troubles with those Indians.

A grave mistake was no doubt committed in attempting their removal before a sufficient force had been collected to secure that result beyond the probability of failure; but I think it is just to give, in reference to the concluding part of Lieutenant-Colonel Wheaton's report, the statement made to me in conversation by the superintendent after his return from the Modoc country.

On his arrival at Linkville he notified Colonel Wheaton, in accordance with previous arrangements with me, of his presence at that place, and the purpose for which he had come. See letter of November 25, copy forwarded December 21, 1872.

The information derived from the officers of the Indian Department, employed in that part of the country, and from residents familiar with the circumstances, satisfied him that the Modocs were under evil influences from the unauthorized and illegal interference of interested parties (whites) who had counseled them to resist removal. The refusal of the Modoc leaders to meet him was conclusive to his judgment that evil counsel had prevailed, and that extended hostilities could only be prevented by the prompt application of force, and before the leaders could have time to concoct measures of resistance, or bring other Indians to their aid. From the same source of information, as to the number and disposition of the Indians with Captain Jack, he was satisfied that the camp could be surprised and the leaders arrested, and that this accomplished, the matter would be ended without further trouble. From this conviction he made the suggestion contained in his letter of November 27, 1872, forwarded December 10, 1872, upon which Major Green acted. If the state of facts, which existed at the time this suggestion was made, had continued without change, the attempt no doubt would have succeeded, but, in the mean time, the Modoc leaders were not idle, and had gathered in all their people that could be reached, and when the troops arrived were in greatly superior force.

The original arrangement should have been carried out. The question as to the time and manner of applying force rested in the discretion of the military commander, to whom it had been committed, and, while I think that Major Green was in error upon this point, I do not think that either he or the superintendent should be judged wholly by the result.

If the measures had succeeded, the conception and the execution would probably have been as highly commended as they are now censured.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

ASSISTANT ADJUTANT-GENERAL,
Headquarters Division of the Pacific, San Francisco, Cal.

[Indorsments.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 22, 1873.

Respectfully transmitted to the Adjutant-General, headquarters of the Army, for the information of the General of the Army.

ED. R. S. CANBY,
Brigadier-General Commanding.

HEADQUARTERS OF THE ARMY,
Washington, February 1, 1873.

Respectfully submitted to the Secretary of War.

W. T. SHERMAN,
General.

[Inclosure.]

HEADQUARTERS DISTRICT OF THE LAKES
AND OF THE TROOPS OPERATING IN THE MODOC COUNTRY,
Camp near Crawley's Ranch, Lost River, December 26, 1872.

GENERAL: Your dispatch of the 19th of December was received here by me yesterday. I reached this camp after a tedious journey in very severe weather over the mountain-trail from Warner, and found the position of the troops as follows: Colonel Green with Jackson's Troop B, First Cavalry, at Crawley's ranch, a miserable shanty on Lost River, north of Tule Lake, and twenty miles south of Linkville; Perry, with his troop F, First Cavalry, at Van Bremer's ranch, where hay can be procured, west of Tule Lake, on Willow Creek, a stream flowing into Klamath Lake, and about twelve miles west of the Modoc camp; Bernard's Troop G, First Cavalry, at the site of Sandsbreath ranch, on east side of Modoc camp, and about thirteen miles from it. From Bernard's camp to the Modoc stronghold the trail is entirely through broken lava-beds, a pedregral. From Perry's camp the Modoc camp can be approached to within three miles before this pedregral becomes difficult and very rough.

Mason's battalion of 64 (called two companies) muskets was halted and camped here to be more readily supplied.

Inclosed please find my first field-order issued after my arrival here. I found an unexpected difficulty in the scarcity of ammunition at Klamath, nearly all the Spencers having been issued to citizens the day after Jackson's fight at the Modoc camp, and the supply of Sharp's and Springfield utterly inadequate; some of the troops today have but five and ten rounds apiece. As Bidwell was the nearest point, I have sent Colonel Bernard to that point for ammunition, and it will be here as soon as possible, probably by the 2d of January. Information received yesterday from Lieutenant Stone, at Jacksonville, assures me the section of howitzers will reach there tomorrow. If the amount of ammunition on hand had been sufficient, and warranted me in doing so, I would have ordered the attack on about the 27th December, but the howitzers and ammunition for small-arms will reach us at about the same time, and we will be prepared to make short work of this impudent and enterprising savage. I feel confident the guns will astonish and terrify them, and perhaps save much close skirmishing and loss of life.

The day before the fight I shall move up with the troops on the west side to a point three miles from the Modoc stronghold and camp; at daylight next day we will skirmish into the lava-beds, and close on the Modoc cave or fortification, differently named and described, while the troops on the east side close on the Indians simultaneously from the opposite direction.

Major Jackson's B Troop is now with Bernard's, at Land's Burnt ranch, and for the following reason: On the afternoon of the 22d, as Bernard's wagon, returning to him from Bidwell, was within a mile of his camp, it was driven into an ambuscade, and

was attacked by about sixty-five Modocs. Lieutenant Kyle immediately rushed out of Bernard's camp with nearly all the troop, only ten mounted, and succeeded in saving the team and its valuable contents. One soldier, five horses, and one mule were killed at the first fire. The Indians continued a skirmish with Bernard until dark, one other soldier being killed, no other casualties occurring. They were easily driven from one strong rocky ledge to another, and have not been seen or heard from since. Bernard thinks they were astonished at the range of our pieces, and after the first few shots they did not approach within five hundred yards of his camp. A bugler, though pursued by the Modocs, who were mostly mounted, succeeded in reaching this point, and Jackson's troop was at once dispatched to Bernard's aid, reaching him at about 11 p. m., the Modocs having retreated some time before.

The camps as now arranged cover the country well, and prevent any large party of Modocs from depredating.

I do not think the citizens are in danger, and unless the Modocs crawl off south through the lava-beds on our approach, we hope to make short work of them very soon after our ammunition comes up. If they do escape, they have no good place to put their families in, and though some Pit River Indians are reported to have joined them, I am confident of soon clearing them out of that country.

I don't think more than one hundred fighting Indians are with Captain Jack, and I propose to stick to the Modoc band until you are satisfied with the results accomplished.

In my opinion, if Indian Superintendent Odeneal had exercised a little more judgment and discretion in selecting his agents to deal with the Modocs, (he never saw them himself,), and instead of urging and insisting on Green's attacking them *at once*, had notified me of their refusal to come in, at Ivan Applegate's request, all their horrid massacres would have been prevented, and great expense avoided. At the first information of Modoc Jack's refusal to obey Mr. Odeneal's orders, I could have had Bernard's troop from Bidwell and Perry's from Warner, here, and, joined to Jackson's from Klamath, would have had a force on hand Captain Jack would never have dreamed of opposing. But Mr. Ivan Applegate was sent by Odeneal to Klamath, to *insist* on an *immediate* movement of Jackson's troop on the Modocs, and the result was a fight, before I was advised that the Modocs refused to come to the reservation, Mr. Ivan Applegate insisting that thirty men would be ample force, as the Modocs would not think of fighting at all.

I am, general, very respectfully, your obedient servant,

FRANK WHEATON,
Lieut. Col. Twenty-First Infantry, Bvt. Maj. Gen.,
Commanding District of the Lakes.

Maj. Gen. E. R. S. CANBY,
Commanding Department of the Columbia.

WAR DEPARTMENT,
Washington City, February 7, 1873.

SIR: I have the honor to transmit, for your information, copies of the letters of the commanding officers of the Department of the Columbia, of the 15th ultimo, and the District of the Lakes, &c., of the 26th December, 1872, in relation to the affairs in the Modoc country, and the cause of the present troubles with those Indians.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. the SECRETARY OF THE INTERIOR.

CAMP NEAR VAN BRIMMER'S RANCH,
Siskiyou County, California, January 15, 1873.

GENERAL: I am happy to announce that, after all our annoying delays, we are now in better condition than I ever saw troops for a movement against hostile Indians. Within thirty-six hours after Lieutenant

Miller, First Cavalry, reached me with the howitzers, a well-selected and very efficient gun-detachment were handling them to the infinite delight of the volunteers. They would not have remained a day longer than January 6, had it not have been certain that the guns were coming.

Now our artillery pack-train and howitzer details are admirably drilled, we leave for Captain Jack's Gibralter to-morrow morning, and a more enthusiastic, jolly set of regulars and volunteers I never had the pleasure to command.

If the Modocs will only try to make good their boast to whip a thousand soldiers, all will be satisfied. We leave our horses here under guard. They would be a constant source of anxiety in the lava-beds, and might be difficult to manage. Our scouts and friendly Indians insist that the Modocs will fight us desperately, but I don't understand how they can think of attempting any serious resistance, though, of course, we are prepared for their fight or flight. Ranchmen, far and near, have been notified, and the volunteers will probably muster one hundred and fifty all told. Lieutenant Ross arrived to-day with nineteen men. The infantry battalion will muster ninety-five muskets, including seventeen of F Company, from Klamath. Bernard will take one hundred men into the lava to-morrow from the east side. Perry, here, will take in forty-five men with Spencer carbines. During our tedious delays, the entire force has been constantly drilled, and practiced at targets, and they needed it.

No effort on our part can prevent the Modocs from crawling out and scattering; we will do all we can to prevent it, and are to hunt and pursue them. I hope in forty-eight hours to be able to send you satisfactory information.

From Portland and Jacksonville we hear frightful rumors of Modoc depredations. No one hears such reports in the section that will really be menaced if the Modocs should scatter.

I will keep you constantly advised, and write by regular mails, and every other opportunity.

Inclosed please find a copy of the order under which we move to-morrow. I would not have gone into details so fully, but Green asked me to place and arrange the movements. All works well. The regulars and volunteers harmonize wonderfully.

I am, general, your obedient,

FRANK WHEATON,
U. S. A.

Maj. Gen. E. R. S. CANBY,
Commanding Department, &c., Portland, Oreg.

HEADQUARTERS DISTRICT OF THE LAKES
AND OF THE TROOPS OPERATING IN THE MODOC COUNTRY,
Camp near Van Bremer's, California, January 19, 1873.

GENERAL: We attacked the Modocs on the 17th with about four hundred good men, two hundred and twenty-five of them regulars. We fought the Indians through the lava-beds to their stronghold, which is in the center of miles of rocky fissures, caves, crevices, gorges, and ravines, some of them one hundred feet deep. In the opinion of any experienced officer of regulars or volunteers, one thousand men would be required to dislodge them from their almost impregnable position, and it must be done deliberately, with a free use of mortar batteries. The Modocs were scarcely

exposed at all to our persistent attacks; they left one ledge to gain another equally secure. One of our men was wounded twice during the day, but he did not see an Indian at all, though we were under fire from 8 a. m. until dark.

No troops could have fought better than all did in the attack, advancing promptly and cheerfully against an unseen enemy, over the roughest rock-country imaginable. It was utterly impossible to accomplish more than to make a forced reconnaissance developing the Modoc strength and position. It is estimated that one hundred and fifty Indians opposed us. The Pitt River Indians are believed to be with them.

The troops have been withdrawn to their camps. The volunteers will probably go out of service very soon. We will use our force to endeavor to cut off raiding Modocs and operate against them in every way possible until re-enforcements arrive. Our loss in killed and wounded is about forty, among them two officers, Bvt. Col. David Perry, Troop F, First Cavalry, painfully wounded in left shoulder; Lieut. John G. Kyle, First Cavalry, Troop G, wounded in left arm, not seriously.

Please send me three hundred foot-troops at the earliest date. If they come from San Francisco, they can reach me, via Shasta Valley, at any time; the road is always open.

We are indebted to Gen. John E. Ross for the gallant co-operation of the Oregon volunteers. Capt. J. A. Fairchild brought twenty-eight brave California volunteer riflemen, who joined us in time to participate in the attack. I am obliged to move this temporary depot back to a more central location on Lost River.

Can the governor of California send volunteers to protect the threatened portion of his State, which is open to Modoc raids?

I am, general, very respectfully, your obedient servant,

FRANK WHEATON,
Bvt. Maj. Gen. U. S. A., Lieut. Col. Twenty-first Infantry,
Commanding District of the Lakes.

Gen. E. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oreg.

[Indorsements, covering Colonel Wheaton's two reports.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, California, January 30, 1873.

Respectfully transmitted to the Assistant Adjutant-General Headquarters of the Army, for the information of the General of the Army.

ED. R. S. CANBY,
Brigadier-General, Commanding Division.

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 8, 1873.

Respectfully submitted to the Secretary of War.

W. T. SHERMAN,
General.

WAR DEPARTMENT,
Washington City, February 17, 1873.

SIR: I have the honor herewith to transmit, for your information, copy of a letter from Lieut. Col. Frank Wheaton, Twenty-first Infantry, of the 15th ultimo, reporting the efficiency and readiness of his com-

mand for an attack upon the stronghold of the Modoc Indians, and of another dated the 19th ultimo, reporting an attack on the same on the 17th.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

CAMP WARNER, OREGON,
May 5, 1873.

GENERAL: I have the honor to submit herewith copies of reports forwarded by me to Gen. E. R. S. Canby, commanding Department of the Columbia, of operations in the lava-beds in January last, and of the battle of the Modoc Caves fought January 17th, 1873, by troops operating under my direction.

I also have the honor to submit a certified copy of a letter addressed to General Canby by his excellency the governor of Oregon, in which reference is made to my conduct of operations in the Modoc country and the Lake Basin.

I am, general, very respectfully, your obedient servant,

FRANK WHEATON,
Bvt. Maj. Gen. U. S. A., Lieut. Col. Twenty-first Infantry.

Gen. E. D. TOWNSEND,
Adjutant-General U. S. A., War Department, Washington, D. C.

[Inclosures.]

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, February 6, 1873.

MY DEAR SIR: Allow me to make you acquainted with Gen. John F. Miller.

General Miller was with Lieutenant-Colonel Wheaton during the late attack upon the Modocs, and I desire that he may make some representations to you, touching the difficulties of their position and the services of Colonel Wheaton.

From reports to me of volunteer officers and of reliable citizens, I have become fully impressed with the opinion that Colonel Wheaton, since he took the field in the Lake Basin, has so conducted his command as to accomplish all that any officer could have accomplished in his place.

It is but justice to Colonel Wheaton to say that he has the confidence of the officers and men of the Oregon volunteers who lately served under him, and of the settlers whose families are most exposed to Indian hostilities on our southern frontier. As to his mode of attack on the 17th ultimo, I am able to say that it was approved by all of our most experienced frontiermen who were present. And it is their opinion that the incident of fog during the most of the day was not an unfavorable circumstance. It answered the conditions of a night attack with the benefits of daylight; nearly all losses in killed and wounded occurred after the fog cleared up.

Please permit these suggestions as an indication of my desire to express my appreciation of the services of Colonel Wheaton, and of my confidence in his skill as an officer.

Most respectfully, your obedient servant,

L. F. GROVER.

Gen. E. R. S. CANBY.

HEADQUARTERS DISTRICT OF THE LAKES AND OF TROOPS OPERATING IN THE MODOC COUNTRY,
CAMP ON LOST RIVER FORD,
Jackson, Oreg., February 7, 1873.

GENERAL: I have the honor to forward the accompanying report of Bvt. Col. and Maj. John Green, First Cavalry, commanding the Modoc expedition and the troops

engaged in the battle of the Modoc Caves, January 17, 1873, and with it the report of Bvt. Col. and Maj. Edwin C. Mason, Twenty-first Infantry, commanding a battalion of two companies Twenty-first Infantry, and also the report of Bvt. Col. and Capt. R. F. Bernard, First Cavalry, who, in the operations in the lava-beds south of Tule Lake, Cal., and in the battle of the Modoc Caves of January 17, 1873, commanded the troops operating east of the Modoc position, viz: Two troops of cavalry and twenty enlisted Klamath Indian scouts.

On the 12th of January, immediately after the arrival of the mountain-howitzer section that had been forwarded from Vancouver arsenal, the order for the movement of the troops to attack the Modoc position was issued as follows:

HEADQUARTERS DISTRICT OF THE LAKES AND
TROOPS OPERATING IN THE MODOC COUNTRY,
CAMP NEAR VAN BREMER'S RANCH, CAL.,
January 12, 1873.

[General field-order, No. 3.]

I. The troops will move from their present camp east and west of the lava-beds on Thursday the 16th of January, 1873, and take positions for the attack on the Modoc camp at sunrise on the following morning.

II. At 4 a. m. on Thursday next, Maj. John Green will detach Captain Perry's Troop F, First Cavalry and order it to clear the bluff southwest of Tule Lake of Indian pickets and scouts, and cover the movement of the main force to a camp some three miles west of the Modoc position.

III. Maj. E. C. Mason's Battalion Twenty-first Infantry, (2 companies,) C, commanded by Capt. F. H. Burton, and B, commanded by Second Lieut. H. D. Moore, and a detachment of twenty men of F Company, under First Sergt. John McNamara.

Gen. John J. Ross, Oregon volunteer militia, A, Capt. Hugh Kelly's, and B, Capt. O. C. Applegate's and Lieut. W. H. Miller's Battery or section of mountain-howitzers will march from Van Bremer's ranch to camp on the bluff west of Tule Lake, in time to reach the designated camp not later than 3 p. m. on the 16th instant.

The camp will be so located and arranged as to be secure from observation by the Modocs, and every precaution taken to prevent the Indians from discovering our numbers and precise location.

IV. District headquarters will accompany the troops.

V. Early on the 17th of January the troops above-named will move into the lava-beds to attack the Modoc camp, and in the following order: Maj. E. C. Mason's Battalion Twenty-first Infantry leading, followed by Gen. John E. Ross's Oregon militia, the section of mountain-howitzers packed.

Capt. D. Perry's Troop F, First Cavalry, will follow the howitzer battery.

VI. When the troops have reached a position near the Modoc camp the main force will be deployed on the right of the infantry battalion in close skirmish order, and a left half-wheel of the whole line will be executed in order to enclose the southern side of the Modoc position, and connect the right of the main force with the left of Captain Bernard's troops, who are simultaneously to attack on the east.

VII. All the troops operating against the Modocs are to move from their camps with three days cooked rations, in haversacks, two blankets, one hundred rounds of ammunition on the person, and fifty rounds in close reserve. Canteens will be filled at Little Klamath Lake by the troops moving from Van Bremer's ranch, and care taken to water every horse and pack-mule at that point, as there is no water on the bluff where the main force will encamp on the night of the 16th instant.

VIII. Maj. John Green, First Cavalry, is charged with the execution of the movements and the details of the attack.

IX. Lieut. W. H. Miller, First Cavalry, commanding the howitzer battery, will report to Major Green for orders and instructions as to when and where to prepare his guns for action in the proposed attack.

X. The troops on the east side of the lava-beds, at Land's ranch, G, Capt. R. F. Bernard's, and B, Capt. James Jackson's, First Cavalry, and the Klamath Indian scouts, under Dave Hill, will move from camp on the 16th instant to a point not more than two miles from the Modoc position. At sunrise on the 17th this force will attack the Modoc camp, with their right resting on or near Tule Lake, and, when sufficiently near to render the movement advisable, a right half-wheel will be executed, in order to connect the left of this force with the troops attacking from the west. In his advance Captain Bernard will take steps to capture any canoes the Modocs may have near their camp, or at least use every effort to prevent the Indians from escaping by water. Capt. R. F. Bernard, First Cavalry, will execute these movements under such detailed instructions as he may receive from Maj. John Green, First Cavalry.

XI. After the first three shots have been fired from the howitzer battery, as a signal to the troops attacking on the east side of the Modoc camp, firing will cease for fifteen

minutes, and an Indian scout directed to notify the nearest Modocs that ten minutes will be allowed them to permit their women and children to come into our lines. Any proposition by the Modocs to surrender will be referred at once to the district commander, who will be present.

XII. Lieut. W. H. Bayle, Twenty-first Infantry, acting field-quartermaster and commissary subsistence, and a guard of ten men, will remain at this camp in charge of the temporary field-depot until further orders.

XIII. Lieut. John Q. Adams, First Cavalry, A. A. G. District of the Lakes, and commanding detachment of H Troop, First Cavalry, will furnish from his command such details as may be required for the howitzer battery, and accompany the district commander. Lieutenant Adams will be prepared to communicate, by signals, with the sergeant who has been detailed for signal-duty with the troops operating on the east side of the Modoc position.

XIV. Asst. Surg. Henry McElderry, U. S. A., will give the necessary directions and instructions to the medical officer with the different commands and detachments in the field.

By order of—

FRANK WHEATON,
Bvt. Maj. Gen., U. S. A., Lieut. Col. Twenty-first Infantry,
Commanding District of the Lakes.
JOHN Q. ADAMS,
First Lieut. First Cavalry, A. A. A. G.

The troops moved from their respective camps east and west of the lava-beds promptly as ordered, and at 1 p. m. on the 17th. after skirmishing with and fighting the Modocs over rocky ridges and a very difficult country, reached a position about three hundred yards from the Modoc stronghold, or Captain Jack's camp.

This position was on an almost inaccessible ridge, flanked on the east and west by ravines and gorges, and in the midst of a mass of boulders and irregular fissures, rocky elevations and depressions, evidently the result of a volcanic upheaval that had rent and torn a belt of country ranging in width north and south from five to eight miles, and in length from sixteen to twenty-two miles, and reported by surveyors who had partially explored it to cover about one hundred square miles of country, lying between Tule Lake on the north and the snow mountains on the south.

Though this extraordinary region had been described as being very broken and difficult to operate in by the few white men who had passed over the narrow trail leading from the precipitous bluffs three miles west of the Modoc stronghold to the vicinity of Land's ranch east of it, a distance of sixteen miles, their descriptions had failed to convey an adequate idea of the strength of the enemy's camp, or the difficulties to be overcome in attacking it.

At 1½ p. m. Major Green informed me that unexpected obstacles on the right of our west line had been encountered, and that this portion of his command rested near a deep gorge occupied by the enemy, that could not be flanked or carried without an immense sacrifice, and that up to this late hour in the day, though Bernard had evidently been warmly engaged on the east side since 8 a. m., his bullets frequently passing over us, there seemed little or no hope that we could connect the right of our west with the left of our east line, thus enveloping the enemy, as had been intended, by investing the east, south, and west points of his position.

I moved with Major Green to the right of our west line, and, after consulting with senior officers and learning the nature of the obstacles encountered, authorized a change in the original plan. Major Green suggesting that as we could not without a larger force connect our lines south of the Modoc stronghold, we would possibly encounter fewer obstacles by moving our west line by the left near the lake shore, north of the Modocs, and thus connecting with the right of Bernard's force, assault the enemy's position from the north or lake side.

This movement was gallantly made, the enemy desperately contesting every inch of ground and fighting behind their natural fortifications, firing only through cracks and crevices in the rocks as our troops crawled toward them, exposing nothing but a puff of smoke for our men to fire at, and picking off our most advanced with deadly aim. It was found impossible with the force engaged to carry the enemy's position by direct attack unless more artillery was employed, and at 5 p. m. it was determined to withdraw the troops to their camps, send for more men and guns, and renew the attack as soon as they should arrive.

The invariable fog that almost daily overhangs all, or a large portion, of the lava-beds at this season of the year was, during the morning of the 17th, and until 2 p. m., unusually dense. It had been generally remarked, after weeks of observation, that though this region, and often half the lake, was enveloped in fog long after sunrise, and frequently until noon, it was ordinarily clear before 2 p. m. At this hour, during the fight, fearing that the continued fog might add to the difficulties Major Green would encounter in the proposed attack from the lake side, I authorized him to withdraw the troops until the fog lifted, unless he felt confident the proposed attack would succeed.

The difficulties encountered in moving to connect our lines by the lake side were very great, the troops being hardly able to crawl over the sharp rocks and ledges that separate them, and at the same time fight a well-entrenched and desperate enemy, proverbially skillful as marksmen and armed with good rifles.

Bernard had been unable during the entire day, and after hard fighting, to advance across the gorge in his front; the movement toward his right was not accomplished until nearly dark, and sunset found the troops too much exhausted to render a night attack practicable. It was evident to all that we had not force enough to invest the enemy's position, or artillery enough to shell him out of it.

Major Green withdrew, as he had been authorized to do, during the night of the 17th to Land's Ranch, fourteen miles east of the Modoc camp, and being unable to connect with him or communicate with him except by signals, I informed him, just before dark, that I would encamp on the bluff we had left in the morning, three miles west of the Modocs, with the two companies of Oregon volunteers and Lieutenant Ross's detachment of fifteen regulars, guarding the mountain-howitzer section.

On the following day, the 18th, we remained encamped on the bluff until half-past 11 a. m., and then finding that the main force with Major Green had withdrawn to Land's ranch, (Bernard's old camp,) and that an immediate renewal of our attack was impracticable, we moved back slowly with our wounded to our field-depot at Van Bremer's ranch, from which point I applied by telegraph (via Yreka) for a reinforcement of three hundred men and four mortars; with this addition to our troops and artillery I felt confident we could take Captain Jack's stronghold and destroy his murderous band.

Our operations in the lava-beds or pedregal, immediately around Captain Jack's camp, were in such a rough and broken country, and among rocks and boulders varying in size from a match-box to a church, that it was only with the greatest difficulty that our wounded (twenty-eight in number) could be removed, and it was found utterly impossible to remove our dead, numbering ten.

The fog lifted at intervals during the day, and, taking advantage of one of these, Surgeon McElderry went with a stretcher-bearer to our line near our right, in order to remove for burial Private Hollis, of F Troop, killed. The stetcher-bearer reached the body only in time to fall, himself mortally wounded, and in a subsequent effort to remove these bodies, another soldier was shot and painfully injured.

The enemy was so perfectly shielded from view, firing only through small holes and crevices in his inaccessible rocks and caves, that it was only with infinite difficulty our surgeon succeeded in removing our wounded after our lines had reached their most advanced positions.

I have been twenty-three years in the service of the Government, and have been employed a greater portion of that time on our remote frontier, and generally engaged in operating against hostile Indians. In this service I have never before encountered an enemy, civilized or savage, occupying a position of such great natural strength as the Modoc stronghold, nor have I ever seen troops engage a better-armed or more skillful foe.

We are indebted to Brig. Gen. John E. Ross, Oregon militia, (an experienced veteran pioneer of '46.) for the hearty co-operation of his gallant Oregon volunteers, two companies—A, commanded by Capt. Hugh Kelly, of Jacksonville, Oreg., and B, commanded by Capt. Oliver E. Applegate, of the Yamos sub-agency, both gallant and efficient officers, who did excellent service. Lieutenants Ream and Berry, of C, and Lieutenant Heizer and ———, of B, are commended for their soldierly conduct and efficiency.

These troops left their homes hastily, on a moment's notice, illy prepared for the rigors of a winter's campaign, and expecting to be in the field less than thirty days. They are entitled to great credit for so cheerfully sacrificing personal interests, and remaining long over their period of service, and gallantly participating in the operations in the lava-beds and the battle of the Modoc caves.

To Capt. James A. Fairchild, of Siskiyou County, Cal., and his twenty-four volunteer riflemen, (selected sharpshooters and brave men,) who joined us on the afternoon of the 16th, and co-operated on our extreme left in the attack on the Modoc stronghold, we are under many obligations. Four of Captain Fairchild's little band were wounded in the fight, (one-sixth of his force,) including his lieutenant, George Roberts. These wounded are being carefully nursed and cared for with our wounded officers and enlisted regulars at Fort Klamath hospital.

I shall take pleasure in forwarding detailed reports from the commanders of the Oregon Volunteers and California riflemen when they are received.

Maj.-Gen. John F. Miller, of the Oregon militia, a veteran Indian fighter, whose long and varied experience in this region gave his opinion great weight, accompanied the troops, and was with the district commander during the attack, as was also Col. William Thompson, aid-de-camp to the governor of Oregon, and Col. L. B. Bellinger, aid-de-camp to General Miller. These active and intelligent officers were constantly under fire and rendered excellent service, as did Capt. Ivan E. Applegate, of Swan

Lake, Oreg., who, not being identified with any particular organization, volunteered his services as aid during the attack and subsequent movements.

The conspicuous gallantry and untiring energy displayed by Maj. John Green, First Cavalry, who commanded the troops engaged in the Modoc caves, entitles him to the highest praise and commendation.

Maj. E. C. Mason, Twenty-first Infantry, handled his battalion, which in the main attack was given the advance, with great gallantry and skill. The services of Mason's battalion will be best expressed when it is stated that in the fight it lost in killed and wounded nearly one-fourth the number actually deployed and engaged.

This command was composed of two companies of the Twenty-first Infantry, viz:

C—Capt. G. H. Burton, who commanded the leading company in the advance in the lava-beds and the attack on the Modoc stronghold.

Captain Burton is specially commended by his battalion commander for gallantry and efficiency.

C—First Lieut. W. H. Boyle, of Company C, Twenty-first Infantry, was left with a small guard in charge of our temporary field-depot at Van Bremer's ranch; he has faithfully and efficiently performed the duties of field quartermaster and commissary.

C—Second Lieut. Edward B. Rheem, Company C, Twenty-first Infantry, and Second Lieut. H. D. W. Moore, who commanded a detachment of Company B, Twenty-first Infantry, are reported by their battalion commander to have behaved in the most gallant manner.

B—Lieut. John M. Ross, Twenty-first Infantry, a reliable and efficient soldier, commanded our small reserve during the day and rendered good service with the rear-guard on the night of the 17th instant.

The three troops of the First Cavalry engaged were officered as follows:

F—Commanded by Capt. David Perry, who was on the 16th given the advance, and in the main attack on the 17th the extreme right of our west line, both positions of importance; these several duties he performed in the most soldierly manner, and was painfully wounded on the evening of the 17th while gallantly commanding his troops.

F—First Lieut. John Q. Adams, in addition to his duties as acting assistant quartermaster, commissary subsistence, at Camp Warner, Oregon, is ordnance officer and acting assistant adjutant-general District of the Lakes, and in this last capacity accompanied the district commander, performing the duties of signal officer and aid-de-camp; these varied and important duties he has gallantly rendered, and to my entire satisfaction.

F—Second Lieut. William H. Miller was detached from his troop temporarily and given charge of the mountain-howitzer section, and after Captain Perry was wounded, on the evening of the 17th, the command of the troop devolved on Lieutenant Miller, who is commended for his soldierly conduct and efficiency.

G—Commanded by Capt. R. F. Bernard, who conducted the attack on the east side of the Modoc stronghold with excellent judgment and persistent bravery. In his official report Second Lieut. John Q. Kyle, of Troop G, First Cavalry, who fell painfully wounded early on the morning of the 17th, is highly praised and commended for his soldierly conduct and efficiency.

B—Commanded by Capt. James Jackson, co-operated with Bernard's troop, G, on the east, and rendered efficient service. In his official report Bernard states that Captain Jackson went into the fight when he should have gone to hospital, he being very sick, but remained with his troop all the time, several times falling from exhaustion. This gallant officer and his second lieutenant, Frazier A. Boutelle, are both highly commended by their squadron commander for their soldierly conduct and efficiency under the severest fire. After Lieut. J. G. Kyle fell wounded and was removed to the field hospital, Lieut. F. A. Boutelle, of B Troop, was assigned to the command of Troop G.

The following-named medical officers were on the field. They rendered excellent service, and generally under fire:

Asst. Surg. Henry McElderry, sr., medical officer in charge. I fully concur with Major Green in specially commending this gallant officer for his good conduct under fire and his professional services in the fight. He was ably assisted by Acting Asst. Surgs. I. O. Skinner and H. R. Durant.

Acting Asst. Surg. J. B. White was assigned by Surgeon McElderry to duty with Bernard's squadron.

The following named non-commissioned officers and privates are mentioned by their respective commanders and complimented for their soldierly conduct:

C, Twenty-first Infantry.—First Sergeant W. C. Roundy. Major Mason states in his report that Sergeant Roundy's gallantry was noticeable throughout the day. Major Green recommends Sergeant Roundy for promotion to a second lieutenancy for bravery and general efficiency. In this recommendation I concur.

B, Twenty-first Infantry.—The good conduct of Acting First Sergeant Josiah H.

Brown is considered specially worthy of mention by Major Mason, his battalion commander. This non-commissioned officer was painfully wounded early in the day, but within an hour after his wound was dressed he returned to his company and remained fighting with it until incapable of further exertion.

Hospital Steward William Reick is highly praised by Captain Bernard for his soldierly conduct and efficiency under fire.

G Troop, First Cavalry.—Corporal W. H. Smith, Corporal Sheldon F. Smith, Quartermaster Sergeant Thomas Kelly, Sergeant Simon Askins, Trumpeter Bartholomew Keenan, and Thomas Fenton, Private John Anderson, (wounded,) John Alton, John Stevens, Warner Jefferson, (wounded,) William Warner, (wounded,) William Pagram, James Cooper, F. A. Cuttler, (wounded,) Edward Clark, Charles E. Folmer, Ernst Grabid, Benjamin Stokes, Henry Vail, James Holland, and Patrick Garvin.

B Troop, First Cavalry.—Sergeant William Connolly, (wounded,) Privates Frank McBride, (wounded,) Michael Hennessey, (wounded,) George Smith, (wounded,) First Sergeant Thomas Cunningham, Sergeant Louis A. Gillet, Privates George Brewer Farrier, William Guesner, Private John P. Doyle, Joseph Glenaman, Adolph Lieber, Joseph Mason, and Antonio Ober.

The following list of casualties is reported:

Capt. and Bvt. Col. David Terry, First Cavalry, Troop F; painfully wounded in left shoulder.

Second Lieut. John G. Kyle, First Cavalry, Troop G; painfully wounded in left shoulder.

In Mason's Battalion, Twenty-first Infantry. Company C, Twenty-first Infantry, Captain Burton.

Killed.—Private John Branner.
Wounded.—Private Isaac Miller, Private Simeon Olser, James Murphy.

Company B, Twenty-first Infantry, Lieut. J. M. Ross.

Killed.—Private Carl Gaerman, Private James Monroe.
Wounded.—Sergeant Josiah S. Brown, Private Ole Anderson.

Detachment of Company F, Twenty-first Infantry.

Killed.—Private John Benson, Private Robert Long.
Wounded.—Private Samuel C. Jones.

FIRST CAVALRY.

Troop F, First Cavalry, Capt. David Perry.

Killed.—Private George Hollis.
Wounded.—Private Otso Gutermath, Private Patrick Doyle, Private Patrick Maher, Corporal Julius Eisermann.

Troop G, First Cavalry, Capt. R. F. Bernard.

Killed.—Private C. W. Laselle.
Wounded.—Sergeant Gerhardt Leicht, Private John Anderson, Private Warner Jefferson, Private Frederick Cuttler, Private William Warner.

Troop B, First Cavalry, Capt. James Jackson.

Wounded.—Sergeant William Connolly, Private Frank McBride.

GENERAL JOHN E. ROSS, BATTALION OREGON VOLUNTEERS, TWO COMPANIES, A AND B.

Company A, Capt. Hugh Kelly.

Killed.—None.
Wounded.—None.

Company B, Capt. O. C. Applegate.

Killed.—Two privates; names not reported.
Wounded.—None.

COMPANY TWENTY-FOURTH CALIFORNIA VOLUNTEER RIFLEMEN, CAPT. F. A. FAIRCHILD.

Killed.—None.
Wounded.—One lieutenant, three privates; names not reported.

RECAPITULATION.

	Killed.			Wounded.		
	Officers.	Non-commissioned officers.	Privates.	Officers.	Non-commissioned officers.	Privates.
REGULARS.						
Twenty-first Infantry:						
Captain Burton's Company C	.....	.....	1	.....	.....	3
Lieut. John E. Ross's Company B	.....	.....	2	.....	1	1
Detachment Company F	.....	.....	2	.....	.....	1
First Cavalry:						
Capt. D. Perry's Company F	.....	.....	1	1	1	3
Capt. R. F. Bernard's Company G	.....	.....	1	1	1	4
Capt. James Jackson's Company B	.....	.....	.....	.....	1	1
Total casualties Regulars	.....	.....	7	2	4	13
VOLUNTEERS.						
Oregon:						
Capt. H. Kelly, Company A	.....	.....	.....	.....	.....	.....
Capt. O. E. Applegate, Company B	.....	.....	2	.....	.....	.....
California:						
Twenty-fourth Cal. Vol. Riflemen, Capt I. A. Fairchild	.....	.....	.....	1	.....	3
Total casualties volunteers	.....	.....	2	1	.....	3
Total casualties Regulars and volunteers, including loss in G and B Troop on the 16th instant	.....	.....	9	3	6	21
Grand total	.....	.....	9	3	6	21

From the length of line defended by the Indians, and the strength of their resistance at Captain Jack's stronghold, it is estimated that at the battle of the Modoc caves the troops encountered a force of not less than one hundred and fifty fighting Indians. Fifty Pitt Rivers were believed to have joined the Modocs for the occasion.

While awaiting the arrival of the re-enforcements and more artillery, and making preparations to renew our attack, I received at my camp on Lost River, on the first of February, your orders to avoid war with the Modocs, and next day learned that peace commissioners had been determined on and that the Modoc question would be turned over to them for settlement.

In closing this report I desire to state that in the operations in and around the lava-beds, and in the battle of the Modoc caves, the conduct of the troops was admirable; and I am convinced that upon the arrival of the re-enforcements and artillery you have ordered to our support, the troops will move promptly and cheerfully to successfully renew our attack upon an enemy whose utterly unknown and almost impregnable position foiled and baffled our first effort to carry it by assault.

Very respectfully, your obedient servant,

FRANK WHEATON,
Lieut. Col. Twenty-first Infantry, Bvt. Maj. Gen., U. S. A.

Brig. Gen. E. R. S. CANBY, U. S. A.,
Commanding Dep. of the Columbia and Military Division of the Pacific, Portland, Oreg.

HEADQUARTERS MODOC EXPEDITION,
January 25, 1873.

SIR: I have the honor to report that in compliance with General Orders No. 3, dated headquarters District of the Lakes, January 12, 1873, the troops stationed at Van Bremer's ranch, consisting of Maj. E. C. Mason's battalion, two companies Twenty-first Infantry, Company C commanded by Capt. G. H. Burton, and Company B commanded by First Lieut. J. M. Ross; Troop F, First Cavalry, commanded by Capt. David Perry; section of howitzers, commanded by Lieutenant Miller, First Cavalry; Brig. Gen. John E. Ross, and two companies Oregon volunteers, Company A commanded by Capt. Hugh Kelly, and Company B by Capt. O. C. Applegate, and Capt. John O. Fairchild in command of 24 men of Siskiyou County, California, volunteers, (for the occasion,)

moved, on the 16th instant, about twelve miles in the direction of the Modoc stronghold, and encamped for the night within three miles of Captain Jack's camp.

Captain Perry, with his troop, preceded the column, with orders to clear the bluffs of Indian pickets, that the movement of the other troops might be covered.

Capt. R. F. Bernard, with his command, consisting of his own troop (G) and Troop B, First Cavalry, commanded by Capt. James Jackson, moved the same morning, from his camp at Land's ranch, to within two miles of the Indian camp, where he encamped for the night.

I would here state that, on account of the dense fog which prevailed, he got nearer the Indian camp than was intended for that day, and in moving back to the place he was to occupy for the night they endeavored to cut him off. Some sharp fighting ensued, in which he had several men wounded; but not having received Captain Bernard's report I can only give such particulars as I received from him verbally after connecting with his troops the evening of the 17th.

On the morning of the 17th, at 6½ a. m., the troops on the west side moved down the bluff, into what is known as the lava-beds, in the following order:

First. Maj. E. C. Mason, with his battalion. Second. Captain Fairchild, with his detachment. Third. Brig. Gen. John E. Ross, with the Oregon volunteers. Fourth Lieutenant Miller, with his section of mountain-howitzers. Fifth. Capt. D. Perry, with his troop. And here I would state that, as the district commander was on the field in person and fully cognizant of all that transpired, it is not necessary for me to enter very fully into particulars.

After reaching the foot of the bluff Captain Burton's company was deployed as skirmishers and ordered to move forward until his left reached the lake, where the line was halted until all got water, (the troops having made a dry camp the previous night,) when the advance was again ordered and the skirmish line extended as follows: The half of Company B, Twenty-first Infantry, commanded by Second Lieut. H. D. W. Moore, formed on the right of Captain Burton's company; the other half, under First Lieut. J. M. Ross, being kept in reserve, and afterward used as a support to the howitzer section; the Oregon volunteers were formed on the right of the infantry, and the line was moved forward about a mile and a half, when I found it necessary to change its direction nearly to the left to reach Captain Jack's camp. At this point I ordered Captain Perry, with his troop, to deploy on the right of the volunteers. We had not moved far in the new direction when the Indians opened fire, but the line moved steadily forward and we drove them from point to point over the most difficult country any troops ever operated in, and at a disadvantage on account of the dense fog still prevailing. At about 2 p. m. a point was reached presenting a very deep chasm, beyond which no advance could be made without great sacrifice of life, and it was then doubted whether the place could be taken.

After consulting with the district commander I concluded to make a flank movement to the left and along the shore of the lake, with the hope that I could dislodge the Indians from that side, a movement exceedingly difficult to make, owing to the nature of the country, and after successfully performing it it was found that the Indians were, if anything, stronger here.

At this time Captain Bernard, hearing our firing, but unable to see us on account of the dense fog, called across a point of the lake to say he was within from four or five hundred yards of the Indians' strongest position, so I determined to connect my troops with his, and if possible make a charge and take their position that evening. This was a still more difficult movement, made along the shore overhung by rocks occupied by the enemy, who had to be driven off in order to continue the movement, and at a considerable loss in killed and wounded to ourselves; and on reaching a certain ravine, the enemy's fire was deadly, a number being killed and wounded, among the latter Captain Perry, First Cavalry, and four men of Captain Fairchild's small detachment, which will give some idea of our severe struggle; and Captain Burton, with a portion of his company, and Captain Fairchild, with his detachment, could not be extricated and were ordered to remain under cover till after dark.

It was impossible to make the proposed charge, the nature of the rocky ground preventing men moving faster than at the slowest pace, and sometimes having to crawl on their hands and feet.

It is utterly impossible to give a description of the place occupied by the enemy as their stronghold. Everything was done by officers and men that could be done; troops never behaved better. They contended gallantly with an enemy hidden by rocks, deep gorges, and fog; we tried it on every side with the same result.

On reaching Captain Bernard it was found he, too, had a deep chasm in front of him, so thoroughly commanded by Indians he could scarcely move without a loss of a large number of men. At this time quite a force of Indians was moving down another deep ravine, I think with a view of turning our left flank. I sent Captain Bernard with his troop to drive them back, which he did successfully. Just before dark the fog cleared, when a signal was received from the district commander (who was still on the west

side with the Oregon volunteers, a portion of Captain Perry's troop, and the infantry reserve under Lieutenant Ross, separated from us by the fog while making the flank movement) signifying he would retire to our camp of the previous night. I had before this received a message stating that if I could not accomplish my intentions I was authorized to retire, but I found I could not return to the command left behind without another great sacrifice of life, and concluded to fall back to Land's ranch, or Captain Bernard's camp, about 14 miles in rear; this I began to do at 10½ p. m., but as several of the wounded had to be carried in blankets, it was 1 p. m. the following day before the last of the column reached there.

I would here state that Captain Perry's position was changed about 11 o'clock from the extreme right to the right of the infantry battalion, leaving the Oregon volunteers on the right.

I must speak in the highest terms of the officers and men for their gallant and courageous conduct under the most trying circumstances, having to move on an enemy occupying the strongest natural position which can be imagined and which is beyond all description.

Their comrades were shot down right and left by an unseen enemy, where there was little opportunity of return.

Of the Oregon volunteers under General Ross I must also speak in the highest terms for their hearty co-operation. Captain Fairchild, with his 24 California volunteers, also did most excellent service on our left, and had Lieutenant Roberts and 3 men wounded; these were excellent marksmen, but could not prevail under the conditions I have mentioned.

The following is a list of the officers engaged, and of whom I must speak in the highest praise:

Twenty-first Infantry: Maj. E. C. Mason, commanding battalion; Capt. G. H. Burton, commanding Company C; Second Lieut. E. B. Rheem, Company C; First Lieut. John M. Ross, commanding Company B; Second Lieut. H. D. W. Moore, Company B.

First Cavalry: Capt. David Perry, commanding Troop F, wounded in the afternoon; Second Lieut. W. H. Miller, commanding howitzer section, and, after Captain Perry was wounded, Troop F.

(I would here state that owing to the nature of the country and the fog the howitzer section was of very little use.)

Capt. R. F. Bernard, commanding squadron consisting of his own Troop (G) and Troop B.

Second Lieut. John G. Kyle, Troop G. This officer was wounded in the arm on the morning of the 17th instant.

Capt. James Jackson, commanding Troop B.

Second Lieut. F. A. Boutelle, Troop B. This officer commanded Troop G after Lieutenant Kyle was wounded.

First Lieut. John Q. Adams, acting assistant adjutant-general to the district commander, did excellent service during the day, and more especially in the evening, as signal officer, the only means of communication between the district commander and myself being by signal.

Asst. Surg. Henry McEldery, chief medical officer of the command, is entitled to every credit, not only for his care of the wounded but for going in person to their assistance under the enemy's fire.

In regard to the other medical officers I refer the district commander to Asst. Surg. Henry McEldery's report, herewith inclosed. I also inclose list of killed and wounded, also Major Mason's report.

In addition to Surgeon McEldery's list of killed and wounded I would state that there were two men killed of the Oregon volunteers, whose names I have not received, also one officer (Lieutenant Rheem) slightly wounded.

The following is a list of wounded of Captain Fairchild's detachment of California volunteers:

1. Acting Lieut. George W. Roberts, of Fort Jones, eighteen miles from Yreka, Cal., severely wounded in right side of the head. 2. Jeremiah M. Crooks, of Battle Creek, Cal., dangerously wounded in left thigh. 3. Nathanial Bensunicle, of Hot Creek, Cal., severely wounded in left thigh. 4. William I. Small, twelve miles southwest of Linkville, badly wounded in right shoulder.

These men are in hospital at Fort Klamath, and receive the same attention as the regular troops.

When all of the enlisted men behaved so well it is difficult to make special mention, but I must say First Sergeant W. C. Roundy, Company C, Twenty-first Infantry, stood pre-eminent for his brave and gallant conduct, which frequently came under my own observation during the day, and it is with pleasure I recommend him for a commission in the United States Army, if otherwise qualified.

In conclusion I would state that there were about one hundred and seventy-five men of the regular troops, one hundred and four volunteers, and twenty Indian scouts ac-

tually in the engagement, the others being required as guards for depot and camps and small reserve.

I am, sir, very respectfully, your obedient servant,

JOHN GREEN,
Major First Cavalry, Commanding.

ACTING ASSISTANT ADJUTANT-GENERAL,
District of the Lakes.

NOTE.—In the body of my report I have not spoken of the loss of the enemy. It has been reported to me by individuals that there were losses, but as none of their dead fell into our hands I am unable to make any statement as to numbers.

It is gratifying for me to say that Major-General Miller, of the Oregon militia, with his staff, was in the field. He saw all the difficulties under which we labored, and will no doubt give a correct report to the governor of Oregon.

Since writing the above report Captain Bernard's report has been received and is herewith inclosed.

Very respectfully, your obedient servant,

JOHN GREEN,
Major First Cavalry, Commanding.

HEADQUARTERS BATTALION 21ST INFANTRY,
Van Bremer's Ranch, Cal., January 21, 1873.

MAJOR: I have the honor to submit my report of the movements of the battalion under my command during the engagement with the Modoc Indians on the 17th instant. The battalion consisted of Company C, commanded by Capt. G. H. Burton, and Company B, commanded by Lieut. John M. Ross; Lieuts. E. B. Rheem and H. D. W. Moore were the other officers with the command. Lieut. W. M. Boyle was assigned to the defense of the depot at Van Bremer's Ranch. The battalion led the advance into the lava beds. Capt. George H. Burton, Company C, with Lieut. H. D. W. Moore in command of a detachment of Company B, were immediately deployed as skirmishers. Lieutenant Ross held the remainder of Company B in reserve, and in support of the artillery during the engagement.

After advancing about one and a half miles over a broken and rocky country, the other troops having in the mean time been deployed on the right of the battalion, the skirmishing began. The battalion advanced rapidly, occasionally charging in double time, and driving the Indian skirmishers from their position in the rocks.

The difficulties of the advance now rapidly increased, the country becoming more broken, the volcanic rock being piled so as to afford complete shelter and protection to the Indians, who could thus hold their place until our line was within a few feet of them, and then deliver their fire with deadly effect. The difficulties were still further increased by a dense fog, which prevented us from seeing the country over which we were moving. About 2 p. m. I was ordered to move the battalion by the left flank, and, if possible, to form a connection with Capt. R. F. Bernard's command. This difficult operation was at last successfully accomplished, not, however, without considerable resistance on the part of the enemy and consequent loss to us of killed and wounded. This movement was conducted along the shore of the lake, overhung by a high rocky ridge, which was in possession of the enemy. It was necessary to drive the enemy from this ridge, and at the same time continue the movement by the left flank, a dense fog at the same time preventing us from seeing the line over which the movement was conducted. At one place a ravine came down from Captain Jack's stronghold. At this point the enemy had concentrated a force, and the fire was so heavy and deadly that Captain Burton and a portion of his company were unable to extricate themselves until after dark from a position they had taken by a gallant charge, and which they held to protect a movement of the command. On arriving at the right of Captain Bernard's line I found that the movement had not been followed by the remainder of the troops; consequently, although we were in connection with Captain Bernard's, we had lost connection with the troops with whom we had been operating during the day, and the same gap existed between the troops operating on the west and Captain Bernard as existed before we commenced the movement. The command was not in a position of a re enforcement to Captain Bernard's line. The command having been in motion since 4 a. m., and in engagement with the enemy since 8 a. m., being without overcoats, blankets, or rations, were suffering greatly from exhaustion, hunger, and cold. At 10.30 p. m. I was ordered to retire with the command to Lad's Ranch, (15 miles in the rear,) being obliged to carry part of our own wounded and that of Captain Bernard's command in blankets and on stretchers. On the 19th and 20th the command marched by the way of Lost River to this camp.

The following is a list of the killed and wounded:

Company C. Private John Branner, killed.
Isaac Miller, wounded.
Simeon Olsin, wounded.
Louis Borer, wounded.
William P. Sullivan, wounded.
Charles G. Miekneman, wounded.
James Murphy, wounded.

Detachment of Company F, attached to Company C:
Private John Benson, killed.
Robert Long, killed.
Samuel Jones, wounded.

Company B:
Private Carl Glaerman, killed.
James Monroe, killed.
Sergeant Josiah S. Brown, wounded.
Private Ole Anderson, wounded.

As there were but fifty-five muskets in the engagement, the above list shows a loss of almost one-fourth of the command.

Before closing this brief report I desire to express my appreciation of the gallantry and soldierly conduct of all the officers and enlisted men of the battalion. First Sergt. W. C. Roundy, Company C, and Sergt. Josiah S. Brown, Company B, are especially worthy of mention. Sergeant Roundy's gallantry was noticeable throughout the day. Sergeant Brown, after being wounded, remained with his company until incapable of further exertion. Capt. George H. Burton and Lieut. E. B. Rheem, Company C, and Lieut. H. D. W. Moore, commanding detachment of Company B, behaved in the most gallant manner. They led their men to the attack, and imparted to them that confidence that can only be inspired by the display of the highest soldierly qualities.

Lieut. John M. Ross, being in command of the reserve, was detailed to cover the movement of the force on the west side on its retirement to the bluff. This duty he discharged in a very satisfactory manner, as I learned from the commanding officer.

I will leave it to others to find language to convey an adequate idea of the almost impassible character of the country over which these operations were conducted, and which make the Modoc position a second Gibraltar.

I am, colonel, very truly and respectfully, yours,

EDWIN C. MASON,
Major Twenty-First Infantry, Bvt. Col. U. S. A.

Major and Bvt. Col. JOHN GREEN,
Commanding the Forces.

CAMP LAND'S RANCH,
Tule Lake, Cal., January 19, 1873.

MAJOR: I have the honor to report, for the information of the commanding officer District of the Lakes, that, in compliance with General Order No. 3, Headquarters District of the Lakes, January 12, 1873, the command moved as and at the time directed. The fog being very heavy we moved much closer the Indian stronghold than was intended. As soon as this was discovered the retreat as skirmishers was ordered. Soon as the troops started back the Indians opened fire from the rocks, making for our left, getting possession of some rocks to our rear and left, opening fire upon our pack-train. The charge was at once ordered to dislodge the Indians, which was done, we losing three men badly wounded. The command moved about half a mile further, going into camp about dark. On the morning of the 17th the wounded packers and five soldiers were left at this point; the remainder of the command, one hundred men and officers, moved upon the Modoc stronghold. The fog being very dense, the skirmish-line got within about 100 yards of a deep gorge, when the Indians opened fire. The charge was sounded, the men moving forward to the gorge; finding it impassable under fire, they fell back about 150 yards, lying down behind the rocks. The line was then established, the right about a hundred yards from the lake, the left extending as far southwest as it could lie with safety to every part of it. The line was about one mile and a half long, well protected from the Indians' fire. On the first fire we lost one man killed, Lieut. J. G. Kyle, and four men wounded.

The fog remained very dense until one hour by sun when it raised, allowing us to see and tack to the troops operating on our right and operating under your immediate command. In about half an hour this force connected with our right moving around upon our line.

In the movement, and when within about 200 yards of our right, the Indians opened a very heavy fire, keeping it up until the entire column passed. The exact loss in killed and wounded I do not know, but know they were considerable.

The wounded being carried back to where the wounded of the 16th were, the command fell back to this point under command of Major Green, carrying the wounded all night and next day until 2 o'clock p. m., when the command reached this camp, Majors Green and Mason leaving in the evening with ten friendly Indians for Van Bremer's ranch.

This evening Capt. G. H. Burton, Twenty-first Infantry, marched with Major Mason's command and Mr. Fairchild's sharpshooters for Van Bremer's ranch, the wounded, in charge of Captain Jackson, with an escort of 20 men, leaving at the same time for Fort Klamath, Oregon.

I have wished, respectfully, to say that the place the Indians now occupy cannot be taken by a less force than 700 men, and to take the place by an assault with this force will cost half the command in killed and wounded. A large force, well supplied, judiciously handled, moving at night by approaches, piling up rocks to protect themselves, so they can operate during the day, may take the place.

Howitzers could be effectively used on the east side of the lava-beds. I wish to mention the names of Captain Jackson, Lieutenants Boutelle and Kyle, First Cavalry, for efficiency in commanding their troop, and especially for bravery in action and coolness under the severest fire.

The following enlisted men I wish to mention for bravery in action: Troop G, First Cavalry, Corporals William H. Smith, Theodore F. Smith; Quartermaster-Sergeant Thomas Kelly; Sergeant Simon Atkins; Trumpeters F. B. Kernan, Thomas Fenton; Privates John Anderson, (wounded,) John Alton, John Stevens, Warner Jefferson, (wounded,) William Warner, (wounded,) William Bayram, James Cooper, F. A. Cuttler, (wounded,) Edward Clark, Charles E. Folmer, Ernest Grabid, Benjamin Stokes, Henry Vail, James Holland, and Patrick Garvin; Troop B, First Cavalry, Sergeant William Connolly, (wounded,) Privates Frank McBride, (wounded,) Michael Hennessey, (wounded,) George Smith, (wounded,) First Sergeant Thomas Cunningham, Sergeant Louis H. Gillet, Private George Brown, Farrier William Guesner, Privates John P. Doyle, Joseph Glamerman, Adolph Lieber, Joseph Mason, Antonio Ober.

The above are specially mentioned, while the troops all did very well. Hospital Steward William Reick I wish to mention as having meritoriously performed his duty in caring for and carrying the wounded from under fire, showing himself to be fearlessly brave, and is a valuable man to have to care for wounded men under fire.

Lieutenant Boutelle was taken from his troop early in the morning to relieve Lieutenant Kyle (when he fell wounded) from the command of G Troop.

Both of these officers cannot be too highly spoken of, and justly deserve the highest praise from their superiors. Captain Jackson went into the field when he should have gone to hospital, he being very sick, but remained with his troop all the time, several times falling upon the ground from exhaustion.

I am, sir, very respectfully, your obedient servant,

R. F. BERNARD,
Captain First Cavalry, Bvt. Col., U. S. A.

Maj. JOHN GREEN,
First Cavalry, Commanding Modoc Expedition.

PART II.

Correspondence during the pending of peace negotiations up to the killing of General Canby and Dr. Thomas.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, January 30, 1873.

GENERAL: I have the honor to inform you, under instructions from the Secretary of War, that the President directs General Canby shall be notified by telegraph that the troops of his command should be so located and used as to protect citizens, and, if possible, avoid war.

I am, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

General W. T. SHERMAN,
General-in-Chief U. S. A., Washington, D. C.

HEADQUARTERS OF THE ARMY,
Washington, January 30, 1873.

General E. R. S. CANBY,
Commanding Department of Columbia, Portland, Oreg.:

I am instructed by the Secretary of War to telegraph you that it is the desire of the President that you use the troops to protect the inhabitants as against the Modoc Indians, but, if possible, to avoid war.

W. T. SHERMAN,
General.

[Telegram by the Western Union Telegraph Company, dated Portland, Oreg., January 30, 1873.]

To General W. T. SHERMAN, *Washington, D. C.*:

Telegram of this date just received; instructions in conformity thereto will be sent at once by telegraph and courier.

E. R. S. CANBY,
Brig. Gen. Com'g.

[Telegram by the Western Union Telegraph Company, dated Portland, Oreg., January 30, 1873.]

To General W. T. SHERMAN,
Commanding the Army, Washington, D. C.:

I am satisfied that hostilities with the Modocs would have resulted under any circumstances from the enforcement of the Commissioner's order to place them on the reservation. New facts show very clearly that they were determined to resist, and had made preparations to do so. If the arrangements for their removal had been properly carried out, the lives of the settlers who were murdered by them might have been saved, but hostilities would still have resulted, and their blows would have fallen elsewhere and later; on the approach of a force too large to resist they would have betaken themselves to the mountains, or to their caves, and kept up the war from those points. Since the commencement they have twice attacked trains, evidently for the purpose of securing ammunition for carrying on the war.

I have been very solicitous that these Indians should be fairly treated, and have repeatedly used military force, lest they might be wronged, until their claims or pretensions were decided by proper authority. That having been done, I think they should now be treated as any other criminals, and that there will be no peace in that part of the frontier until they are subdued and punished.

Colonel Gillem acknowledges receipt of instructions of this morning, and asks if Captain Jack shall be notified that he will not be molested if he remains quiet. If not inconsistent with the President's desire, I propose to instruct him to hold communication with Captain Jack, to prevent his getting supplies of any kind, and to treat as enemies any of his party that may be found in the settlements without proper authority, but to make no aggressive movement until further notice.

ED. R. S. CANBY,
Brigadier-General Commanding.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 31, 1873.

Your two dispatches of yesterday are received, and will be laid before the President to-day, and as positive an answer will be sent as the case admits of. Let all defensive measures proceed, but order no attack on the Indians till the former orders are modified or changed by the President, who seems disposed to allow the peace men to try their hands on Captain Jack.

W. T. SHERMAN, *General.*

General E. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oreg.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 30, 1873.

SIR: In pursuance of the understanding arrived at during the conversation between the President, yourself, and myself a few days since, on the subject of the Modoc war, so-called, and with a view of stopping, if possible, the further effusion of blood and again establishing peace between the Indians and whites, I have decided to send to the scene of difficulties a commission, consisting of three persons. With this purpose in view, I have addressed a letter to the Acting Commissioner of Indian Affairs, bearing date the 29th instant, a copy of which is herewith inclosed, which is to guide him in the preparation of the instructions for the government of the commissioners to be appointed. So soon as these instructions are completed and the names of the commissioners agreed upon, you will be further advised relative to the matter. In the mean time I have respectfully to suggest, and, as far as proper, to request, that the troops be so placed as to give security to the whites and prevent any depredations by the Modocs should efforts in that direction be attempted; and further, that active hostilities against these Indians be suspended until the commissioners shall reach the Modoc country and ascertain whether there is a prospect of obtaining peace without resorting to any further use of the military arm of the Government.

I have the honor to be, your obedient servant,

C. DELANO,
Secretary.

The Hon. WM. W. BELKNAP,
Secretary of War.

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 29, 1873.

SIR: Referring to the difficulties that have arisen and still continue to exist between the troops of the United States and the Modoc Indians, in Oregon, I have to inform you that I have determined to send a commission to the scene of the difficulty for the purpose of examining into the same. This commission will consist of three members, whose names will be hereafter furnished to you.

It will be required to proceed to the Modoc country as rapidly as possible, and, before entering upon the active discharge of its duties, will confer with General Canby, of the United States Army, and in all subsequent proceedings of the commission it should confer freely with that officer and act under his advice, as far as it may be possible to do so, and always with his co-operation.

The objects to be obtained by this commission are these: First, to ascertain the causes which have led to the difficulties and hostilities between the troops and the Modocs; and secondly, to devise the most effective and judicious measures for preventing the continuance of these hostilities and for the restoration of peace.

It is the opinion of the Department, from the best information in its possession, that it is advisable to remove the Modoc Indians, with their consent, to some new reservation; and it is believed that the Coast reservation, in Oregon, lying between Cape Lookout, on the north, and Cape Perpetua, on the south, and bounded on the east by the Coast Range of mountains, and on the west by the Pacific Ocean, will be found to furnish the best location for these Indians.

The commission will, therefore, be directed to make an amicable arrangement for locating the Indians on some portion of this reservation, provided it is possible for it to do so, and provided that said commission is not of opinion, after fully investigating the case, that some other place is better adapted to accomplishing the purpose of the Department; in either of which events the commission will, before finally concluding an arrangement with the Indians, hold communication with the Commissioner of Indian Affairs, and receive further advice.

The commission will in no wise attempt to direct the military authorities in reference to their movements. It will be at liberty, however, to inform the commanding officer of the wish of the Department that no more force or violence be used than in his opinion shall be deemed absolutely necessary and proper, it being the desire of the Department, in this as well as in all other cases of like character, to conduct its communications with the Indians in such a manner as to secure peace and obtain their confidence, if possible, and their voluntary consent to a compliance with such regulations as may be deemed necessary for their present and future welfare. The commission will be directed to keep the Department advised, as frequently as possible, of its progress, until the work which is assigned to it shall be accomplished, or its further progress proven to be unnecessary.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

THE ACTING COMMISSIONER OF INDIAN AFFAIRS.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 31, 1873.

GENERAL: I am instructed by the Secretary of War to inform you that it is contemplated by the honorable the Secretary of the Interior to send to the scene of the so-called Modoc war a commission, consisting of three persons, with a view of stopping, if possible, the further effusion of blood, and again establishing peace between the Indians and the whites.

In the mean time, the Secretary of the Interior requests that, as far as proper, the troops be so placed as to give security to the whites, and prevent any depredations by the Modocs, should efforts in that direction be attempted; and, further, that active hostilities against these Indians be suspended until the commissioners shall reach the Modoc country, and ascertain whether there is a prospect of obtaining peace without resorting to any further use of the military arm of the Government.

The President approves the views of the Secretary of the Interior, and directs that the action he desires be carried out.

I am, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

THE GENERAL OF THE ARMY.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 1, 1873.

GENERAL: I am instructed by the Secretary of War to inform you that the President approves your telegram of yesterday's date, to Gen-

eral Canby, in relation to the Modoc troubles, and wishes that officer to be notified, by telegraph, that commissioners have been appointed with whom he is desired to confer.

The commissioners have been directed to notify General Canby, from San Francisco, of the time and place where they can meet him.

I am, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

THE GENERAL OF THE ARMY.

[Telegram.]

HEADQUARTERS OF THE ARMY,
February 3, 1873.

Gen. E. R. S. CANBY,
Commanding Department of theColumbia, Portland, Oreg.:

The President approves my former instructions for you to keep the troops on the defensive, and to protect the inhabitants against the Modoc Indians until the commissioners appointed to confer with them arrive. He wants you to confer in person with these commissioners, who will notify you from San Francisco of the time and place where they wish to meet you.

W. T. SHERMAN,
General.

[Telegram.]

PORTLAND, *February* 3, 1873.

Gen. W. T. SHERMAN,
Washington, D. C.:

Telegram of this morning just received. I have asked Colonel Kelton to advise the commissioners as to the best route at this season of the year, and will be prepared to meet them at the place they may appoint.

ED. R. S. CANBY,
Brigadier-General, Commanding.

[Telegram.]

PORTLAND, OREG., *February* 4, 1873.

A. A. G., HEADQUARTERS OF THE ARMY,
Washington, D. C.:

Reports from the Modoc country are to the evening of the 1st instant. Under instructions of January 30, offensive operations had been suspended, and troops so disposed as to protect the inhabitants. In late operations eight Modocs have been killed and many wounded, and nearly all their ponies captured. They seem disposed to make peace, and have sent messages to that effect, but no other communication has yet taken place. Colonel Gillem probably reached Tule Lake yesterday.

ED. R. S. CANBY,
Brigadier-General, Commanding.

WAR DEPARTMENT,
Washington City, February 10, 1873.

SIR: I have the honor to inclose for your information copy of telegram from Brig. Gen. E. R. S. Canby, of the 4th instant, relative to the Modoc Indian war

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

DORRIS RANCH, CAL.,
February 17, 1873, via *Yreka, Cal.*, 18*th.*

To Gen. W. T. SHERMAN, *Washington, D. C.:*

I reached Linkville on the 15th, and came to this place yesterday, to be nearer the Modoc camp. Only two members of the commission are here. Mr. Meacham has not yet arrived. I think that if Judge A. M. Rosborough, of Yreka, or some other prominent citizen of California could be added, the chances of a satisfactory result would be increased. Nothing new in the situation here.

ED. R. S. CANBY,
Brigadier-General Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 18, 1873.

GENERAL: The Secretary of War desires you to telegraph to General Canby to see the telegram sent by the Secretary of the Interior this day to A. B. Meacham, at Yreka.

I have the honor to be, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Gen. W. T. SHERMAN,
General-in-Chief U. S. A., Washington.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., February 18, 1873.

To A. B. MEACHAM, *Yreka, Cal.:*

Have shown your telegram of the 16th to the President. You are directed to proceed with the commission under your instructions, without regard to Governor Grover's protest.

If the authority of the United States is defied and resisted by State authorities, the United States will not be responsible for results, even if the State should be left to take care of Indians without assistance from the United States.

C. DELANO,
Secretary of the Interior.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 18, 1.20 p. m., 1873.

Gen. E. R. S. CANBY, *Portland, Oreg.:*

Please see the telegram sent by the Secretary of the Interior this day, to A. B. Meacham, at Yreka.

Acknowledge receipt.

By command of General Sherman.

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Telegram.]

FAIRCHILD'S RANCH, CAL.,
February 20, 1873.

To Col. W. D. WHIPPLE, *Washington, D. C.:*

I have received your telegram of the 18th, and have seen the telegram to Mr. Meacham from the Secretary of the Interior. The commission was organized on the 18th, and proceeded at once to business, under the instruction of the commissioner.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

FAIRCHILD'S RANCH, CAL.,
February 24, 1873.

To Gen. W. T. SHERMAN, *War Department:*

Communication with the Modocs has been opened and the preliminaries for a council will probably be settled to-morrow. The troops here are in good condition, but the companies are very weak, and if there are any disposable infantry recruits, I recommend that two hundred be sent out to fill the companies in the field.

E. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 6, 1873.

Gen. E. R. S. CANBY, Commanding
Fairchild's Ranch, Modoc County, Cal.:

All parties here have absolute faith in you but mistrust the commissioners. If that Modoc affair can be terminated peacefully by you, it will be accepted by the Secretary of the Interior as well as the President. Answer me immediately and advise the names of one or two

good men with whom you can act, and they will receive the necessary authority; or if you can effect the surrender to you of the hostile Modocs, do it, and remove them under guard to some safe place, assured that the Government will deal by them liberally and fairly.

W. T. SHERMAN,
General.

[Telegram.]

FAIRCHILD'S CAMP, CAL.,
March 8, 1873.

Gen. W. T. SHERMAN, *Washington, D. C.:*

I sent word to Captain Jack yesterday that I would send out wagons to bring in his sick and wounded. The messenger has just returned with information that they would come in day after to-morrow—Monday, 10th instant—and requested that the wagons should meet them at a point about half-way between this place and their camp.

If nothing untoward happens to stampede them, I think they will come; if they do, I propose to send them to Angel Island, to be kept there until their final destination is determined upon; if they do not, I will at once advise you.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

FAIRCHILD'S CAMP, CAL.,
March 11, 1873.

To Gen. W. T. SHERMAN, *Washington, D. C.:*

The Modocs failed yesterday at the time and place appointed by themselves. Some movement of troops will be necessary in order to keep them under closer observation, but nothing more until authorized by you. I do not regard this last action of the Modocs as decisive, and spare no efforts to bring about the desired result.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 13, 1873.

Gen. E. R. S. CANBY,
Fairchild's Ranch, via Yreka, Cal.:

Your dispatch of yesterday (?) was received, and has been laid before the Secretary of War, and by him transmitted to the Interior Department.

It is manifestly desired by all in authority that this Modoc affair should be settled amicably, and for that reason I advise you to exercise considerable patience. The Secretary of the Interior has added the

name of T. B. Ordeneal to the commission, and authorizes him to select a reservation that will be satisfactory to the Modocs. But should these peaceful measures fail, and should the Modocs presume too far on the forbearance of the Government, and again resort to deceit and treachery, I trust you will make such use of the military force that no other Indian tribe will imitate their example, and that no other reservation for them will be necessary except graves among their chosen lava-beds.

W. T. SHERMAN,
General.

[Telegram.]

VAN BREMER'S RANCH, *March* 14, 1873.

Gen. W. T. SHERMAN,
Washington, D. C.:

Your telegram of the thirteenth has just been received. The utmost patience and forbearance has been exercised toward the Modocs, and still it will be. But there is danger that they may escape from the lava-beds, and renew their hostilities against the settlers.

To prevent this the troops will be so posted as to watch the places of egress, and keep them more closely under observation than they have been pending the negotiations of the commission. Apprehending that their last action was only a trick to gain time and make their escape, I directed a reconnaissance to be made around the lava-beds, which was completed last night.

The Modocs are still at or near their old camp; the party found and brought in thirty-three horses and mules, which is all, or nearly all, that was left of the Modocs' band. The Indians guarding it were not molested, and ran off into the lava-beds.

While no active operations against them will be undertaken until all other efforts have failed, I wish them to see that we are fully prepared for anything they may attempt, and this may incline them to keep their promises in future. Another danger to be apprehended is, that this forbearance shown to the Modocs may be regarded as weakness by the Pah-Utes and Snakes, and induce some hostile action by them. To guard against this, I have ordered Sanford's troops from Fort Lapwai to Camp Harney, about which post a large number of Pah-Utes are now gathering.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 14, 1873.

Gen. E. R. S. CANBY,
Commanding, Fairchild's Ranch, Yreka, Cal.:

Secretary Delano addresses the Secretary of War, under date March 13, a letter, thanking him for a copy of your telegram of the 11th, and says it is so judicous and different from one received from Mr. Meacham, that he expresses a hope that the wisdom and discretion of General

Canby will prevent the further effusion of blood, and bring the unhappy controversy to a peaceable solution. The whole question now rests with you.

W. T. SHERMAN,
General.

[Telegram received at Headquarters Army of the United States, Washington, D. C. March 22, 1873.]

Dated VAN BREMER'S RANCH, CAL.,
March 16, 1873.

To Gen. W. T. SHERMAN, *Washington, D. C.:*

The squaw sent into the Modoc camp returned yesterday. The excuse made by the Indians for not keeping their appointment is that the last moment their hearts failed them, and they could not bring themselves to the point of abandoning their old homes and going to a distant country. They are evidently not now in a disposition favorable to any arrangement, although they profess a willingness to have another talk. It will be some time before the commission can be assembled, and in the mean time the troops will be put in positions that cover, as far possible, all points of egress from the lava-beds. I think that a system of a gradual compression with an exhibition of the force that can be used against them, if the commission should again fail, will satisfy them of the hopelessness of any further resistance, and give the peace party sufficient strength to enable it to control the whole band. Time is becoming of the greatest importance, as the melting of the snow will soon enable them to live in the mountains. This will greatly increase the difficulties we have to contend with, as they will then break up into small parties, and can more readily make their escape than from their present location.

ED. R. S. CANBY,
Brigadier-General Commanding.

By courier to Yreka, Cal., 21st.

[Telegram.]

VAN BREMER'S, CAL.,
March 17, 1873.

Gen. W. T. SHERMAN, *Washington, D. C.:*

Telegram of the fourteenth just received. There is nothing new in the situation of the Modocs. Troops are being removed into positions that will make it difficult for them to secure egress for raiding purposes; and in making these movements, the commanders are instructed not to come in contact with the Indians. I hope by this, not only to secure the settlers, but to impress the Indians with the folly of resistance; and by abstaining from firing upon or capturing any of their people to inspire a greater degree of confidence in us than they now have. I propose to open communication with them again in the course of two or three days, and have come to this place in order to prevent interference with them, by persons interested in misleading them and keeping up their fears and distrust.

I have no doubt they would consent at once to go to Yainax; but that would not insure us a permanent peace, and it would have a bad effect on neighboring tribes, and with a little patience I believe that a better arrangement can be effected.

E. R. S. CANBY,
Brigadier-General Commanding.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 22, 1873.

SIR: Your communication of this date, enclosing a telegram from General Canby, dated the 16th instant, is received.

I have so much confidence in the wisdom, discretion, and correct purposes of General Canby, in regard to the execution, as far as possible, of the President's policy and the Department's wish to preserve peace and prevent further bloodshed with the Modocs, that I deem it my duty to authorize General Canby to remove from the present commission appointed by this Department any member whom he thinks unfit or improper, and appoint in his place such person as in his judgment should be appointed, always expecting him to inform this Department, through the War Department, or otherwise, immediately on his action.

You will please inform General Canby of the substance of this letter, provided you are willing to allow him to use the discretion and exercise the powers which are hereby conferred upon him, with your approbation.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. W. BELKNAP,
Secretary of War.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 24, 1873.

General E. R. S. CANBY, Commanding,
Van Bremer's Ranch, Modoc Country, via Yreka, Cal.:

Secretary Delano is in possession of all your dispatches up to March 16, and he advises the Secretary of War that he is so impressed with your wisdom and desire to fulfill the peaceful policy of the Government, that he authorizes you to remove from the present commission any members you think unfit, to appoint others to their places, and to report through us to him such changes.

This actually devolves on you the entire management of the Modoc question, and the Secretary of War instructs me to convey this message to you with his sanction and approval.

W. T. SHERMAN,
General.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 24, 1873.

SIR: Fearing that General Canby has never seen the instructions to the commission, at the head of which Mr. Meacham's name stands, I have directed Mr. Meacham to exhibit these instructions to General Canby immediately.

By these instructions it was intended that the commissioners should not insist as a *sine qua non* upon the Coast reservation as a place for

locating the Indians. It was intended that their wishes should in some respects be consulted and adopted, and hence "Lost River" was suggested as a place for their location, provided they declined the Coast reservation.

I wish you to direct General Canby to see the instructions under which the commissioners are acting, and to consult, as far as practicable, the wishes of the Indians in regard to a location, so that peace may not be prevented by peremptorily insisting that they go to some place to which they are unwilling to remove.

I do not think they ought to be required to go to "Angel Island" as prisoners of war, provided their surrender can be obtained, on condition they remove to some other place.

I wish also to add that, in my opinion, if the Indians oppose it, it should not be insisted upon that the Modocs who have been indicted be surrendered to the civil authorities for trial.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. W. BELKNAP,
Secretary of War.

[Telegram received at headquarters Army of the United States, Washington, D. C., March 25, 1873.]

VAN BREMER'S RANCH, CAL.,
March 24, 1873.

Col. W. D. WHIPPLE,
Assistant Adjutant-General, Washington, D. C.:

Accompanied by Colonel Gillem, had an unsatisfactory meeting with Captain Jack yesterday afternoon in the neighborhood of his camp. The result confirmed the impression previously reported, that the war-faction is still predominant. Captain Jack's demeanor was that of a man under duress and afraid to exhibit his real feelings. Important questions were evaded, or not answered at all; the substance of all that could be elicited from him was, that he did not want to fight, that the lava-bed was a bad place, and that he wanted to go to his home on Lost River. He wanted all of the soldiers moved out of the country; if anybody wanted to talk to him they must come to his camp, and if anything was to be done for him, it must be done there. The meeting of yesterday was in part accidental, as I had not intended to communicate with Captain Jack until the troops were in their new positions, but the conference was invited by the Indians, and was accepted as first arranged. Captain Jack and Sconchin John, the second chief, were to have met Colonel Gillem and myself, but when we reached the place, we found that the war-faction had substituted their leader for Sconchin, no doubt for the purpose of watching Captain Jack, and seeing that he did not commit himself to their prejudice. The troops are now moving into their positions, and when they are reached, then communication may again be opened with the Modocs with the hope of better results.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram received at headquarters Army of the United States, Washington, D. C., March 29, 1873.]

SAN FRANCISCO, *March* 28, 1873.

To General W. T. SHERMAN, *Washington, D. C.:*

Your telegram of the twenty-fourth (24th) has been received. The commission is [as?] at present organized, will, I think, work well. Yesterday the Modocs again invited conference, and Colonel Gillem, [who?] with the party examining the lava-beds, had a short interview with two of the most intelligent, both, however, of the peace party. He is of the opinion that they are more subdued in tone and more amenable to reasoning than at the last previous interview.

I think that when the avenues of escape are closed, and their supplies cut off or abridged, they will come in.

ED. R. S. CANBY,
Brigadier-General Commanding.

[Telegram.]

HEADQUARTERS MODOC EXPEDITION,
Camp South of Tule Lake, April 11, 1873.
(*By courier to Yreka, Cal.*, 12.)

To ADJUTANT-GENERAL U. S. A.
Washington, D. C.:

General Canby, with the peace commissioners, went out to meet the Indians about one mile in front of camp at 11.06 this morning. At 1.30 p. m. the signal-officer whom I had watching the conferrence reported firing. Upon reaching the place of meeting I found that General Canby and Rev. Dr. Thomas had been killed and Mr. Meachan severely if not mortally wounded.

The other commissioner, Mr. Dyar, escaped unhurt. I shall at once commence active operations against the Indians.

ALVIN C. GILLEM,
Colonel First Cavalry, Commanding Expedition.

HEADQUARTERS MODOC EXPEDITION,
Camp South of Tule Lake, April 11, 1873.

SIR: It is with the most profound sorrow that I have to inform you of the death of Brigadier-General E. R. S. Canby, U. S. A., which occurred to-day at 1.30 p. m. about one mile in front of this camp, under the following circumstances: For a day or two, communication between the Indians and the peace commission had been virtually suspended. Yesterday morning an Indian (Boston Charley) came into camp, and informed the commission that Captain Jack would "talk." In order to avoid all misapprehension, the commission sent their interpreter (Frank Riddle and his squaw) into the Indian camp; they returned in the evening and reported that Captain Jack said he would *not* meet the commission, nor come out of his stronghold again until the troops were removed from his vicinity. An Indian returned with Riddle and confirmed his statement. This morning, however, this Indian (Bogus Charley) asserted that Riddle (the interpreter) had not told all that Captain Jack had said, and asserted that Jack had agreed to meet General Canby, myself, and the commission at a tent that had been

pitched about a mile in front of this camp. In order to reconcile these conflicting statements, the two Indians (Boston and Bogus) were sent back to the Indian camp. They soon returned and said that Jack would meet five of us—General Canby, myself, and three commissioners, at the tent. After duly considering the subject, it was determined to accept the proposition. I was too ill to accompany the party, and before leaving the interpreter brought the commissioners to my bed-side, and asked me to bear witness that he had warned them that there was danger in going out; however, it was decided to go.

At 11.06 a. m. the party left camp. I directed the signal-officer to keep a strict watch on the tent and to inform me of everything that occurred. At 1.30 p. m. the signal-officer brought me information that Major Mason's camp on the east side of the Lake had been attacked and two officers probably captured. (This afterward proved to be incorrect.) Convinced that treachery was intended, I sent for Assistant-Surgeon Coburiss, who volunteered to take a note to General Canby. I could not send a verbal message, as many of the Indians understand English. I had written but a few words when shots were heard, and officers from the signal-station brought me information that General Canby and the peace commissioners had been murdered. The troops were under arms at once and advanced. I found the bodies of General Canby and the Rev. Doctor Thomas about seventy yards from the tent. Mr. Meacham was near, severely, if not mortally, wounded; all were stripped. Mr. Dyar, one of the commissioners, escaped unhurt, having a small pistol which he drew on his pursuer.

The remains of General Canby and Mr. Thomas will be sent to Yreka to-morrow, in charge of Lieut. H. R. Anderson, A. D. C. to the General.

Very respectfully, your obedient servant,

ALVAN C. GILLEM,
Colonel First United States Cavalry,
Commanding Modoc Expedition.

The ADJUTANT-GENERAL, U. S. A.

PART III.

Reports of active operations after the failure of peace negotiations, and of the final capture of the Indians; the trial and punishment of those implicated in the murder of the peace commissioners, and the disposition of the remainder of the tribe.

[Telegram.]

HEADQUARTERS DIVISION PACIFIC,
April 12, 1873. (Received Washington 1 a. m. 13th.)

To General W. T. SHERMAN, *Washington, D. C.:*

The following report of horrible treachery and murder has just been received. I have telegraphed Colonel Gillem to let the punishment of the Modocs be severe, as their treachery has merited, and hope to hear soon that he has made an end of them.

J. M. SCHOFIELD,
Major-General, Commanding.

NOTE.—Here follows Colonel Gillem's report, as telegraphed to the Adjutant-General April 11, 1873, and included in foregoing copies.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., April 13, 1873.

General J. M. SCHOFIELD,
Commanding Military Division, San Francisco:

Your dispatch of yesterday is this moment received. Last night about midnight General Townsend came to my house with a dispatch from General Gillem to the same effect as yours, which dispatch he had shown to the President, and I answered General Gillem direct, with a copy of the answer to you. The President now sanctions the most severe punishment of the Modocs, and I hope to hear that they have met the doom they so richly have earned by their insolence and perfidy. * * * * This is Sunday. I will see the President this evening, and to-morrow will notify you of any change in the existing commands, if made, but you may be sure that any measure of severity to the savages will be sustained.

W. T. SHERMAN,
General.

[General Orders No. 3.]

HEADQUARTERS OF THE ARMY,
Washington, April 14, 1873.

It again becomes the sad duty of the General to announce to the Army the death of one of our most illustrious and most honored comrades.

Brig. Gen. Edward R. S. Canby, commanding the Department of the Columbia, was, on Friday last, April 11, shot dead by the chief "Jack," while he was endeavoring to mediate for the removal of the Modocs from their present rocky fastness on the northern border of California to a reservation where the tribe could be maintained and protected by the proper civil agents of the Government.

That such a life should have been sacrificed in such a cause will ever be a source of regret to his relations and friends; yet the General trusts that all good soldiers will be consoled in knowing that General Canby lost his life "on duty" and in the execution of his office, for he had been specially chosen and appointed for this delicate and dangerous trust by reason of his well-known patience and forbearance, his entire self-abnegation and fidelity to the expressed wishes of his Government, and his large experience in dealing with the savage Indians of America.

He had already completed the necessary military preparations to enforce obedience to the conclusions of the peace commissioners, after which he seems to have accompanied them to a last conference with the savage chiefs in supposed friendly council, and there met his death by treachery, outside of his military lines, but within view of the signal-station. At the same time one of the peace commissioners was killed outright, and another mortally wounded, and the third escaped unhurt.

Thus perished one of the kindest and best gentlemen of this or any country, whose social equaled his military virtues. To even sketch his Army history would pass the limits of a General Order, and it must here suffice to state that General Canby began his military career as a cadet at West Point in the summer of 1835, graduating in 1839, since which time he has continuously served thirty-eight years, passing through all

the grades to Major-General of Volunteers and Brigadier-General of the Regular Army.

He served his early life with marked distinction in the Florida and Mexican wars, and the outbreak of the civil war found him on duty in New Mexico, where, after the defection of his seniors, he remained in command and defended the country successfully against a formidable inroad from the direction of Texas. Afterward transferred east to a more active and important sphere, he exercised various high commands, and at the close of the civil war was in chief command of the Military Division of the West Mississippi, in which he had received a painful wound, but had the honor to capture Mobile and compel the surrender of the rebel forces in the Southwest.

Since the close of the civil war he has repeatedly been chosen for special command by reason of his superior knowledge of law and civil government, his known fidelity to the wishes of the Executive, and his chivalrous devotion to his profession, in all which his success was perfect.

When fatigued by a long and laborious career, in 1869 he voluntarily consented to take command of the Department of the Columbia, where he expected to enjoy the repose he so much coveted. This Modoc difficulty arising last winter, and it being extremely desirous to end it by peaceful means, it seemed almost providential that it should have occurred in the sphere of General Canby's command.

He responded to the call of his Government with alacrity, and has labored with a patience that deserved better success; but, alas! the end is different from that which he and his best friends had hoped for, and he now lies a corpse in the wild mountains of California, while the lightning flashes his requiem to the furthermost corners of the civilized world.

Though dead, the record of his fame is resplendent with noble deeds well done, and no name on our Army Register stands fairer or higher for the personal qualities that command the universal respect, honor, affection, and love of his countrymen.

General Canby leaves to his country a heart-broken widow, but no children.

Every honor consistent with law and usage shall be paid to his remains, full notice of which will be given as soon as his family can be consulted and arrangements concluded.

By command of General Sherman:

WILLIAM D. WHIPPLE.
Assistant Adjutant-General.

[Telegram.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 14, 1873.

Col. J. C. DAVIS,
United States Army, Indianapolis, Ind.:

General Orders fifty-nine, (59,) of this date, assigns you to command Department of Columbia, vice Canby, and directs you to proceed to your post immediately. Acknowledge receipt.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 14, 1873.

Maj. Gen. J. M. SCHOFIELD, *U. S. A.*,
San Francisco, Cal.:

General Orders fifty-nine, (59,) of this date, assigns Col. J. C. Davis to command Department of Columbia, vice Canby, and directs him to proceed to his post immediately. Communicated to him by telegraph to Indianapolis.

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 59.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 14, 1873.

By direction of the President, Col. Jefferson C. Davis, Twenty-third Infantry, is assigned to command the Department of the Columbia, vice Brigadier-General Canby, deceased.

He will proceed without delay to his post.

By order of the Acting Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

LAVA-BEDS, CAL.,
April 20, 1873.

SIR: I have the honor to submit the following report of the operations of this command since the 11th inst:

On the morning of the 11th, General Canby, with Messrs. Meacham, Thomas, and Dyer, members of the peace commission, met the Modoc Indians at a tent pitched about one mile in advance of my camp, at the south end of Tule Lake. The tent was in what is known as the "lava-beds." As suspicions of treachery existed, I directed Lieutenant Adams, First Cavalry, Chief Signal-Officer, to keep a constant watch on the tent, and give me notice of any suspicious movements in its vicinity. The general and members of the commission went out at about 11.06 a. m. At 1 o'clock p. m. I received a message from Major Mason, Twenty-First Infantry, commanding the camp on the east side of the lake, informing me that his pickets had been attacked, and Lieut. Walter Sherwood, Twenty-First Infantry, wounded, (mortally.) This confirmed the worst fears of treachery. To notify General Canby of his danger was the first object to be attained. As any movement of troops from camp would have been in full view of the Indians at the tent, I knew to make an advance would but hasten the attack of the Indians. Acting Assistant Surgeon Cabaniss volunteered to take a message to the general. As many of the Modocs speak English, I had to write. I had written but a line when the signal officer notified me that the Indians were shooting the general and his party. The time elapsing between the attack on Mason's pickets and the attack on General Canby and the peace commission did not exceed ten minutes, showing conclusively that the action of the Indians was premeditated and preconcerted.

The troops in the camp south of the lake at once sprang to their arms and advanced as rapidly as possible to the scene of the tragedy, but the Indians had fled. General Canby and Rev. Mr. Thomas were dead when we reached them; Mr. Meacham was supposed to be mortally wounded, but, I am gratified to state, is rapidly improving, with every probability of early recovery.

The party which attacked Major Mason's pickets advanced under a *white flag*, and asked for the commanding officer. When asked if they wanted to "talk," they replied "no." Lieutenant Sherwood, the officer of the day, then told them they could return to their camp, and he would return to his; turning to go, the parties being about thirty yards from each other, the Indians opened fire, shooting Lieutenant Sherwood through the arm, and soon afterwards through the thigh, inflicting what proved to be a fatal wound. Lieutenant Boyle, who was with the officer of the day, escaped unhurt. The picket at once opened fire and the Indians fled.

After such perfidy, there remained but one course for me—to administer the punishment so richly merited—and preparations for an advance were at once made. Knowing the confidence of the Indians in their position, and the great difficulty of taking it by assault, I determined, if possible, to surround them, not only to save my own men but to prevent the escape of the Indians. On the 14th Major Mason, Twenty-first Infantry, whose command consisted of three companies of his regiment, Troops "B" and "G," First Cavalry, McKay's company of Warm Spring Indians, and a section of mountain-howitzers under Lieutenant Chapin, Fourth Artillery, was directed to move up as near as possible to the Indian position under cover of the darkness. Captain Perry, First Cavalry, with Troops "F" and "K," First Cavalry, was ordered from the camp on the south side of the lake to make a similar move at 2 a. m. on the 15th. Both movements were successful, and the respective parties took their positions without loss. At 8 a. m. on the 15th Maj. John Green, First Cavalry, who commanded the troops south of the lake, moved out with Batteries "E" "K" and "M," Fourth Artillery, and companies "E" and "G," Twelfth Infantry. Thomas's Battery ("A," Fourth Artillery) remained in camp with the Coehorn mortars ready packed on mules, to advance when he should receive the signal to do so.

The skirmishing began about a mile in front of the Indian position. The ground, or rather rocks, being exceedingly difficult to get over, our progress was very slow; the Indians contested every foot of ground, and having every advantage often succeeded in checking the troops. At 1.30 p. m. the battalion of the Fourth Artillery and Twelfth Infantry made a beautiful charge, driving the Indians back several hundred yards, to a very strong position near the crest of the lava-bed. The mortars were then ordered up, and in order to secure a good position for them within reach of the caves, Troops F and K, First Cavalry, were ordered to drive the Indians from the northern point of the lava-bed, and did so in a handsome charge. The mortars were then placed in position, and began shelling the Indians. It was now nearly dark, the lines were straightened and strengthened, and operations suspended for the night, except the mortars, which continued firing during the night, having secured the range and position of the Indian camp. The troops on the east side of the lava-bed advanced as directed on the night of the 14th, and at daylight on the 15th the howitzer battery opened fire on Jack's camp, and the infantry advanced as far as possible, endeavoring to unite their left with Major Green's right, and thus inclose

the Indians, but it was found impossible to effect the junction without weakening the line too much. Our loss on this day was one officer (Lieutenant Eagan, Twelfth Infantry) wounded, three (3) enlisted men killed, and nine (9) wounded.

Early on the morning of the 16th our entire line advanced, but owing to the almost impassable nature of the ground, and the stubborn resistance of the Indians, the progress was slow; the mortars and howitzers continued shelling, and one most important advantage was gained—the left of Major Green's and the right of Major Mason's commands succeeded in forming a junction, and thus cut off the communication of the Indians with the water. During this day the command advanced to within the immediate vicinity of the caves held by the Indians; in some places so near as to render it necessary to fall back in order not to interfere with the shelling. During the night of the 16th the firing was almost continuous, the Indians endeavoring to pass through our lines in several places, evidently for the purpose of procuring water. None of these efforts succeeded.

On the morning of the 17th the troops cautiously advanced. Now and then a shell was thrown in, and it was soon evident that the great part of the Indians had abandoned the place, leaving a rear-guard to keep the troops in check. These were driven away by a charge, and retreated south among the rocks.

The troops at once took possession of the celebrated stronghold of the Modocs. As yet, I have been unable to definitely locate the Indians; a part of them—it is possible all—are in the southern portion of the lava-bed, and they may make another stand. A small party was seen to come to the lake for water.

On the morning of the 18th, all the cavalry and the Warm Spring Indians were sent to the south of the lava-bed to ascertain whether or not the Indians had taken that direction. On the return of this force, I shall be governed in my movements by the information it brings. If the Indians are still in the rocks, we will attack them again.

Since active operations were commenced our losses have been as follows: one officer wounded, not dangerously; six (6) enlisted men killed—two (2) of E battery, Fourth Artillery; one (1) of M battery, Fourth Artillery; one (1) of G Company, Twelfth Infantry; one (1) of F Troop, and one (1) of K Troop, First Cavalry; and thirteen (13) wounded—one Warm Spring Indian; one G Troop, one F Troop, one K Troop, First Cavalry; two G Company, Twelfth Infantry; three E battery, Fourth Artillery; three of K battery, and one of M battery, Fourth Artillery.

Where all have done their duty so well it would seem invidious to mention any, but I feel it would be injustice not to invite attention to the coolness, good judgment, and gallant bearing of Major John Green, First Cavalry, whose conduct commanded the admiration of all. First Lieut. J. Q. Adams, First Cavalry, acting chief signal-officer, was of great service in transmitting orders, the different parts of the field of action being widely separated. Lieut. Jas. Rockwell, First Cavalry, acting assistant adjutant-general, was active and fearless in transmission of all duties intrusted to him. Lieut. C. P. Eagan, Twelfth Infantry, was wounded while gallantly leading a charge of his company. Major Biddle, Sixth Cavalry, recently promoted from the First Cavalry, volunteered his services and has rendered valuable assistance.

The Indians have been discovered to-day in a new position about four miles south of their old stronghold. They remained hidden in the rocks until compelled by want of water to come out.

Arrangements will be made as rapidly as possible to attack, and if possible, surround them.

Very respectfully, your obedient servant,

ALVAN C. GILLEM,
Colonel First Cavalry, Commanding Expedition.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

HEADQUARTERS CAMP ON TULE LAKE,
Modoc Country, Cal., April 22, 1873.

SIR: I am under the sad necessity of reporting the death of First Lieut. W. L. Sherwood, Twenty-first Infantry.

Lieut. Sherwood was wounded on the 11th instant, in the arm and thigh, while answering a white flag carried by Modoc Indians; from these wounds he died at 12.30 a. m. on the 14th instant.

I am, sir, very respectfully, your obedient servant,

EDWIN C. MASON,
Major Twenty-first Infantry, Commanding.

The ADJUTANT-GENERAL, U. S. A., *Washington, D. C.*

[Telegram.]

SAN FRANCISCO, *April* 29, 1873.

To General SHERMAN:

The following distressing intelligence is just received: "Lava-Beds, April 28, 1873; to Major General Schofield, San Francisco. On the 26th instant, Major Green, commanding the camp on the west side of the lava-bed, ordered Captain Thomas, Fourth Artillery, with batteries A and K, Fourth Artillery, Company E, Twelfth Infantry, and a party of Warm Spring Indians, about seventy soldiers and fourteen Indians to make a reconnaissance in a southeasterly direction to a point about four miles from camp. The party left camp at 7 a. m.; at 12 m. the party reached the designated point, and were resting. No Indians had been seen. Suddenly the party was fired upon by Indians, when a portion of the command seem to have become panic-stricken, and organization seems, in a great measure, to have ceased. Stragglers arrived in camp at about half-past 1 p. m. Major Green at once went to assistance of Major Thomas; arriving on the scene, he found Thomas's command entirely disorganized and scattered. Upon searching in the lava chasms the bodies of Capt. E. Thomas and Lieut. A. B. Howe, Fourth Artillery, and Lieut. Thomas F. Wright, Twelfth Infantry, were found; First Lieut. Arthur Cranston, Fourth Artillery, has not been found. He is undoubtedly killed. Lieut. George M. Harris and Acting Asst. Surg. B. Semig seriously, though I hope not dangerously, wounded. Thirteen enlisted men killed, and sixteen wounded. All of the officers and a part of the men remained together, and fought like heroes, but the Indians had secured the advantages of position before being discovered. The remains of the officers go to Yreka to-morrow. The bodies of four warriors have been found at or near the scene of the battle. Captain Mendenhall reports from Burkettsville, and is expected to join on the 30th. The Indians occupy a position in the rocks, about four miles south of

their old caves. It will be impossible to surround them with the force at or en route to the place. The circumference of the lava-beds is about thirty miles; all of it is very much of the same character. General Davis is expected to-morrow.

"ALVAN C. GILLEM,
"*Colonel First Cavalry, Commanding.*"

General Davis started from Yreka for the Lava-Beds this morning.

J. M. SCHOFIELD,
Major-General.

HEADQUARTERS LAVA-BEDS, *May* 4, 1873.

SIR: For the information of the general commanding the division, I have the honor to state that I arrived here on the evening of the 2d instant; have visited all the camps, and find affairs here about as follows: The troops are in very good health, being well located, well fed and clothed, but owing to the heavy losses they have sustained in their recent conflicts with the Indians and the little successes gained by them, there is a very perceptible feeling of despondency pervading the entire command.

It was my intention on my arrival here to make another effort to dislodge the Indians from their stronghold, but the disaster of the 26th ultimo made such an attempt too hazardous to be thought of for the present.

Owing to the fact that all the commissioned officers who accompanied the disastrous reconnaissance being killed or so badly wounded as to be unable to make statements, I cannot obtain a very satisfactory account of the affair.

The party, consisting of six commissioned officers, sixty-four enlisted men and fourteen Indian scouts, all under the command of Capt. Evan Thomas, Fourth Artillery, started out on the reconnaissance about 8 o'clock a. m. on the 26th. The object of the reconnaissance was to ascertain the practicability of taking a pack-train and the mortar-battery through the lava-bed to a sand-hill near the center of the lava-bed, about five miles distant from the camp. The objective point was reached without difficulty by noonday, and the party halted for rest and refreshment. No Indians had been met, no resistance seems to have been expected, and a general feeling of security seems to have prevailed among the officers. The signal-sergeant was preparing to send a message back to camp, announcing the result of the reconnaissance, when a few shots in close proximity announced the presence of the enemy.

The officers, though surprised, immediately sprang up and prepared for action. A well-directed fire, however, by this time, from the Indians, caused a large number, probably two-thirds, of the enlisted men to break and run away in the most cowardly manner. The officers, thus deserted by their men, rallied the few brave spirits—mostly non-commissioned officers—and fought the foe with undaunted courage. They and the brave men who stood by them were all found killed and wounded where they so nobly but ineffectually fought.

The reconnaissance was ordered by Major Green, of First Cavalry, from his camp, with the authority of Colonel Gillem. Its object was an important one, and I think the party was quite sufficient in number and appointments.

An error was made by the officer in command in not pushing his skirmish-line further to the front and on the flanks before halting, but this mistake could have been easily and quickly remedied had the men,

as a few did, stood by the officers and obeyed orders. This they did not do. The result was conspicuous cowardice on the part of the men who ran away, and conspicuous bravery and death on the part of the officers and men who stood. The lesson taught by this affair is that a great many of the enlisted men here are utterly unfit for Indian fighting of this kind, being only cowardly beef-eaters. My recommendation is, however, that they be kept here, trained, and made to fight. I shall take such steps while here as I think will insure this training.

I am, very respectfully, your obedient servant,

JEFF. C. DAVIS,
Bvt. Major-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., May 9, 1873.

General W. T. SHERMAN,
Washington, D. C.:

The following dispatch from Colonel Davis just received.

J. M. SCHOFIELD,
Major-General.

HEADQUARTERS IN THE FIELD,
Tule Lake, Cal., May 8, 1873.

I sent two friendly squaws into the lava-bed day before yesterday; they returned yesterday, having found the bodies of Lieutenant Cranston and party, but no Indians. Last night I sent the Warm Spring Indians out. They find that the Modocs have gone in a southeasterly direction. This is also confirmed by the attack and capture of a train of four wagons and fifteen animals yesterday p. m. near Supply Camp, on east side of Tule Lake. The Modocs in this party reported fifteen or twenty in number; escort to train about the same; escort whipped, with three wounded. No Indians known to have been killed. I will put the troops in search of the Indians, with five days' rations.

JEFF. C. DAVIS,
Col. Twenty-Third Infantry, Comd'g Dept.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 3, 1873.

GENERAL: I have the honor herewith to inclose copies of the two dispatches of June 2 from General Schofield, commanding Military Division of the Pacific, announcing the capture of the last of the Modocs, including the chief, Captain Jack. I understand them all to be now in military custody, and most respectfully ask orders for their disposition. I inclose also a copy of my dispatch to General Schofield in reply.

It is so important that some just and lawful rule of action should be prescribed in advance for these Indian matters, (which must arise from time to time,) that I most earnestly beg that the present case shall receive the consideration of the highest law-officer of our Government, before some Indian agent makes a fatal promise, such as is now urged for turning loose the convicted murderer, Satanta, that I most respectfully ask the President to sanction my present orders for General Schofield to hold all the Modoc prisoners in military custody until they are disposed of according to the judgment of some competent tribunal or the orders of the President himself. And further, I earnestly recom-

mend that Captain Jack, Schonchin, and the others who were present at the peace council when General Canby and the Rev. Mr. Thomas were murdered, be tried by a general court-martial as violators of military law; that such of the other prisoners as are indicted for murder by the civil courts of Oregon and California be surrendered to the sheriffs of the respective counties on the proper requisition of the governors of said States; and, finally, that the rest of these Indians be transported east, and be distributed among a tribe easily guarded, say the Winnebagos of Lake Superior.

Thus the tribe of Modocs would disappear, and the example would be salutary in dealing with other Indians similarly disposed and similarly situated.

With great respect, your obedient servant,

W. T. SHERMAN,
General.

General W. W. BELKNAP,
Secretary of War.

[Indorsements.]

ADJUTANT-GENERAL'S OFFICE,
June 3, 1873.

These papers seem of sufficient importance to be forwarded without delay to the Secretary of War.

Respectfully,

E. D. TOWNSEND.

Respectfully referred to the President for orders, with General Sherman's recommendations as to disposition of Modocs approved.

WM. W. BELKNAP,
Secretary of War.

WEST POINT, N. Y., *June* 4, 1873.

[Inclosures.]

[Telegram received at Headquarters Army of the United States, Washington, D. C., June 2, 1873, from San Francisco, Cal., 2d.]

Gen. W. T. SHERMAN:

Colonel Davis reports, June first, Modoc scouts sent out Tuesday, twenty-seventh May, from Tule Lake, reported to him at Applegate's evening twenty-eighth, having found Jack and band encamped on Willow Creek at crossing emigrant-road, fourteen miles east of Applegate's; Hasbrouck's and Jackson's squadrons, under Major Green, immediately in pursuit, came upon them evening twenty-ninth, pursued them till evening thirtieth, when fourteen warriors, ten women, and nine children were captured, after slight skirmish, among them Schonsin and Scarfaced Charley. Jack, with three warriors, escaped in one direction, remaining nine escaped in different directions, leaving twelve men not captured. He will push them lively until caught; hopes to close the war in a few days and start the troops to other points.

J. M. SCHOFIELD,
Major-General.

[Telegram received at Headquarters Army of the United States, Washington, D. C., June 3, 1873, from San Francisco, Cal., 2d.]

Subsequent dispatch from Davis, dated Applegate's, June first, announces capture of Jack and two warriors and families. He expects the few others to come in soon, and considers the war terminated.

J. M. SCHOFIELD,
Major-General.

Gen. W. T. SHERMAN, *Washington, D. C.*

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 3, 1873.

Your two dispatches of June 2, announcing the capture of the Modocs, Captain Jack included, are received. I will submit them to the War Office for reference to the highest authority, with a view to what disposition is to be made of the prisoners, according to law and justice. Some should be tried by court martial and shot; others be delivered over to civil authorities, and the balance dispersed so that the name of Modoc should cease. If any promises have been made any of them notify me, and meantime distribute the troops employed according to your better judgment; only be certain that all prisoners are held in military custody till final orders are received. Also assure General Davis and the troops that their labors and patience are fully appreciated at headquarters.

W. T. SHERMAN,
General.

Gen. J. M. SCHOFIELD,
Commanding Division, San Francisco, Cal.

[Telegram.]

SAN FRANCISCO, *June 5, 1873.*

Have directed General Davis to hold Modocs where they are till orders are received for their disposition, and report any promises made to or special treatment deserved by any. I think those guilty of the murder of General Canby and the commissioners and Lieutenant Sherwood should be tried by a military commission; those who murdered citizens on Lost River turned over to the civil authorities of Oregon for trial, and the other men to be imprisoned at Alcatras.

The women and children should be placed on some reservation in charge of the Indian Bureau. But I shall be glad to have the orders of the Government on the subject.

J. M. SCHOFIELD,
Major-General.

Gen. W. T. SHERMAN.

[Telegram.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, June 5, 1873.

The Secretary of War directs me to express the President's and his own high appreciation of your success, and of the labors of your officers and men in the Modoc campaign.

E. D. TOWNSEND,
Adjutant-General.

Col. JEFFN. C. DAVIS,
U. S. Army, Applegate's Ranch, via Yreka, California.

[Telegram.]

WEST POINT, *June* 5, 1873.

Inform the President immediately that I have received the following telegram from governor of Oregon:

SALEM, *June* 4, 1873.

As to the Modoc outlaws, now in custody of the United States military authorities, I most respectfully request that those now standing indicted in the circuit court of Jackson County, Oregon, for the crime of murder, who are not amenable to military execution, be delivered to the civil authorities of this State for trial and punishment. If they have a legal defense, based either upon amnesty or upon denial of guilt, let the defense be pleaded before the proper tribunal.

S. F. GROVER,
Governor of Oregon.

W. W. BELKNAP,
Secretary of War.

Gen. E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1873.

Your dispatch received and shown to the President.

E. D. TOWNSEND,
Adjutant-General.

Hon. WM. W. BELKNAP,
Secretary of War, West Point, N. Y.

SAN FRANCISCO, *June* 7, 1873.

General SHERMAN,
Washington, D. C.:

The following is just received from General Davis, dated Tule Lake, June 5:

Your dispatch and General Sherman's, concerning Indian prisoners, is just received. The [they] are all here under a safe guard; only a few unimportants now out; shall keep them as directed, and await your instructions. I had already made arrangements to execute eight or ten of the ringleaders; scaffold and ropes were prepared. I was engaged in determining the exact list, with a view to executing them at sunset to-morrow, when your dispatch was handed me. I have no doubt of the propriety and the necessity of executing them on the spot at once. I had no doubt of my authority, as department commander in the field, to thus execute a band of outlaws, robbers, and murderers like these, under the circumstances. Your dispatch indicates a long delay of the cases of these red devils, which I regret. Delay will destroy the moral effect which their prompt execution would have had upon other tribes, as also the inspiring effect upon the troops. Hooker Jim, Shacknasty Jim, Steamboat Frank, and Bogus Charley, soon after their capture, feeling, I suppose, the halter draw, offered to do me important service. I accepted their proposition without any promise of reward other than that implied in the fact of accepting their services. Their daring exploits and usefulness in capturing Jack has won the admiration of all. Without their services we might not have succeeded yet in capturing Jack and his band. It was my intention to exempt them from the death-penalty, at least. Honor on my part requires me to urge their exemption to this extent, although two of them, Hooker Jim and Frank, have been among the worst of the band.

J. M SCHOFIELD,
Major-General.

Official copy respectfully submitted to the Secretary of War for his information. It is to be regretted that General Davis was interrupted in his proposed dealing with the Modoc criminals, but the dispatch having been shown to the Attorney-General, he thinks that no action should be taken until he has furnished his opinion on the subject of their final disposition to the President.

W. T. SHERMAN,
General.

HEADQUARTERS ARMY, *June* 7, 1873.

DEPARTMENT OF JUSTICE,
June 7, 1873.

To the PRESIDENT:

SIR: I have the honor to acknowledge the receipt from you of several papers relative to the Modoc Indians now in custody of the United States Army, with a request for my opinion as to the authority to try certain of the prisoners by a military tribunal.

The main facts out of which the question arises are these:

In 1864 the United States made a treaty with these Indians by the terms of which they were to go, and remain, upon a reservation in the State of Oregon. Late last fall, the Indians being away from their reservation, a military detachment was sent to procure their return. Finding them unwilling to go peaceably, the officer indicated his determination to use compulsion, in consequence of which a conflict ensued between the United States troops and the Indians. Soon after several peaceable citizens and their families in the vicinity were murdered by Indians of this band. They then intrenched themselves in the lava-beds in the neighborhood. Fighting ensued, and one or more severe battles, in which persons on both sides were wounded and killed, and the United States troops repulsed.

Pending hostilities negotiations were opened for peace, and on the 13th of April last, General Canby, Rev. Mr. Thomas, and Mr. Meacham, at a point between the opposing forces, and in pursuance of a mutual agreement to that end, met Captain Jack, the leader of the Indians, with some of his chief warriors, to discuss the terms of a treaty, and while so engaged, General Canby and Mr. Thomas were treacherously assassinated, and Mr. Meacham severely wounded by the Indians present upon that occasion. Battles followed, and Captain Jack and all or most of his tribe have been captured, and are now in the hands of the military authorities.

General Sherman, in a communication to the Secretary of War, dated the 3d instant, recommends that such of these Indians as have violated military law be tried by a military tribunal. This recommendation is approved by the Secretary of War.

"Instructions" were prepared in 1863, by Francis Lieber, LL. D., revised by a board of officers of which General E. A. Hitchcock was president, and, after approval by the President of the United States, were published for the government of Armies of the United States in the field. Section 13 of these "Instructions" is as follows:

Military jurisdiction is of two kinds: first, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses, under the statute law, must be tried in the manner therein directed, but military offenses, which do not come within the statute, must be tried and punished under

the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the Armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions. All the authorities which I have been able to examine upon this subject harmonize with these "instructions."

According to the laws of war there is nothing more sacred than a flag of truce dispatched in good faith, and there can be no greater act of perfidy and treachery than the assassination of its bearers after they have been acknowledged and received by those to whom they are sent. No statute of the United States makes this act a crime, and therefore it is not punishable under the "Rules and Articles of War," and if punishable at all, it must be through a power derived from the usages of war. Kindred to the act in question in bad faith is the breaking of his parole by a paroled prisoner. While the United States were at war with Mexico, several officers of the Mexican army were tried by a military commission composed of officers of the United States Army, convicted and sentenced to be shot and executed for breaking their parole. Numerous trials of a similar nature took place during the war of the rebellion. But there are no statutory provisions whatever upon the subject, and the whole power of the military authorities in such cases is derived from the usages of war.

On the 23d of August, 1865, a military commission, duly appointed, assembled in the city of Washington for the trial of Henry Wirz, who pleaded, among other things, that the military commission had no jurisdiction over either his person or over the subject-matter of the charges and specifications, being a tribunal unauthorized by either statute, military law, martial law, or well-established usage. But this plea was overruled and he was convicted upon several charges, one of which was "murder in violation of the laws and customs of war," and, after sentence, he was hung for his crimes. All the proceedings in this case derive their authority and validity from the common law of war. Certain persons, it will be remembered, were tried and convicted in the same way for the assassination of President Lincoln.

Attorney-General Speed, in discussing this subject, (Opinions, vol. 11, 297,) says:

> We have seen that when war comes the laws and usages of war come also, and that during the war they are a part of the laws of the land. Under the Constitution, Congress may define and punish offenses against those laws, but in default of Congress defining those laws and prescribing a punishment for their infraction, and the mode of proceeding to ascertain whether an offense has been committed and what punishment is to be inflicted, the Army must be governed by the laws and usages of war as understood and practiced by the civilized nations of the world.

Again:

> If the prisoner be a regular unoffending soldier of the opposing party to the war, he should be treated with all the courtesy and kindness consistent with his safe custody; if he has offended against the laws of war, he should have such trial and be punished as the laws of war require. A spy, though a prisoner of war, may be tried, condemned, and executed by a military tribunal without a breach of the Constitution. A bushwhacker, a jayhawker, a bandit, a war rebel, an assassin, being public enemies, may be tried, condemned, and executed as offenders against the laws of war. * * *
>
> The law of nations, which is the result of the experience and wisdom of ages, has decided that jayhawkers, banditti, &c., are offenders against the laws of nature and of war, and as such amenable to the military. Our Constitution has made those laws a part of the law of the land.

See also Vattel, 359; Wheaton's Int. Law, 406; Woolsey's Int. Law, 220; Halleck's Int. Law, 400.

Milligan's case (4 Wallace, p. 2) holds, under the circumstances therein

stated, a military commission to be illegal. But the facts there are entirely different from those under consideration. Milligan was the resident of a State not in rebellion. The courts were open and unobstructed for his prosecution. He was neither a prisoner of war, nor attached in any way to the military or naval service of the United States.

According to the "Instructions" heretofore referred to, no civil tribunal has jurisdiction in the case disclosed by the papers before me. Sections 40 and 41 thereof are as follows:

40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

Manifestly, these rules, to a great extent, if not altogether, are correct; for it cannot be pretended that a United States soldier is guilty of murder if he kills a public enemy in battle, which would be the case if the municipal law was in force and applicable to an act committed under such circumstances.

All the laws and customs of civilized warfare may not be applicable to an armed conflict with the Indian tribes upon our western frontier; but the circumstances attending the assassination of Canby and Thomas are such as to make their murder as much a violation of the laws of savage as of civilized warfare; and the Indians concerned in it fully understood the baseness and treachery of their act.

It is difficult to define exactly the relations of the Indian tribes to the United States; but as they have been recognized as independent communities for treaty-making purposes, and as they frequently carry on organized and protracted wars, they may properly, as it seems to me, be held subject to those rules of warfare which make a negotiation for peace after hostilities possible, and which make perfidy like that in question punishable by military authority. Doubtless the war with the Modocs is practically ended, unless some of them should escape and renew hostilities. But it is the right of the United States, as there is no agreement for peace, to determine for themselves whether or not anything more ought to be done for the protection of the country or the punishment of crimes growing out of the war. Section 59 of said "Instructions" is as follows:

A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

My conclusion, therefore, is that a military commission may be appointed to try such of the Modoc Indians now in custody as are charged with offenses against the recognized laws of war, and that if upon such trial any are found guilty, they may be subjected to such punishment as those laws require or justify.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., June 7, 1873.

Attorney-General decides that the acts of the Modoc Indians subsequent to their first resistance, when required to return to their reserva-

tion, constituted war in a technical sense; that crimes afterward committed against the laws of war are triable and punishable by military courts, preferably military commission.

You may order the commission to be governed by all the rules and conditions familiar to you in 1864, and meantime I will send by mail the opinion at length of the Attorney-General.

W. T. SHERMAN,
General.

Gen. J. M. SCHOFIELD,
Commanding Division, San Francisco.

[Telegram.]

WEST POINT, N. Y., *June* 11, 1873.

General Sherman directs me to transmit the following order for your action:

WM. D. WHIPPLE,
Assistant Adjutant-General.

Gen. J. M. SCHOFIELD,
San Francisco, Cal.

WEST POINT, N. Y., *June* 11, 1873.

I am instructed by the President to direct you to instruct General Schofield to have the Modoc prisoners tried by military commission, the proceedings of said commission to be sent to President for approval.

Very respectfully, &c.,

WM. W. BELKNAP,
Secretary of War.

General SHERMAN,
West Point, N. Y.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., June 12, 1873.

Telegram transmitting the President's order relative to military commission received.

J. M. SCHOFIELD,
Major-General.

Col. W. D. WHIPPLE,
West Point, N. Y.

[Telegram.]

WASHINGTON D. C., *June* 14, 1873.

The following dispatch, just received, is fowarded for your information and action.

W. T. SHERMAN,
General.

Hon. W. W. BELKNAP,
Secretary of War, West Point, N. Y.

SAN FRANCISCO, *June* 12, 1873.

Gen. W. T. SHERMAN, *Washington, D. C.:*

The order of the President regarding proceedings of commission has been sent to General Davis.

Agreeably to your telegram eighth (seventh?) instant, General Davis was informed

that Modoc prisoners would be tried by military commissions, and that, as the commander of department and troops in the field, he had, under act of July 2, 1864, full power and authority to appoint the commission and order the execution of the sentences in these cases. He was informed that the sentence of the commission must be governed by the usages and laws of war, and that he had the discretion to exempt from capital punishment those whose services entitled them to mercy. I send you this information, thinking and hoping you may request the President to modify his order. The prisoners will be tried under the act referred to for the crime of murder and as accessories thereto.

General Davis desires Major Curtis to report to him as judge-advocate of commission. The trial he says will take place at Fort Klamath, to which post prisoners are now *en route*.

J. M. SCHOFIELD,
Major-General.

[Telegram.]

WEST POINT, (*June?*) 16, 1873.

Gen. W. T. SHERMAN:

President say he does not think it best to modify the order.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1873.

The Secretary of War instructs me to inform you that by direction of the President you will cause no cases whatever to be brought before the military commission except those of the murderers of the three officers assassinated by Captain Jack and his immediate associates—the three officers being General Canby, Doctor Thomas, and Lieutenant Sherwood. And further to hold in military custody all the other captured Indians, as prisoners of war, to be disposed of hereafter as circumstances may warrant.

Acknowledge receipt.

E. D. TOWNSEND,
Adjutant-General.

Maj. Gen. J. M. SCHOFIELD,
San Francisco, Cal.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., July 1, 1873.

To Adjutant-General United States Army, Washington, D. C.:

Instructions as to cases before military commission received and forwarded to General Davis and Major Curtis.

J. C. KELTON,
Lieut. Col., A. A. G.

FORT KLAMATH, OREGON, *July* 8, 1873

Lieut.-Col. J. C. KELTON, *A. A. G., Military Division Pacific:*

COLONEL: The telegram from you stopping other trials by this commission than that of the assassins of General Canby and the peace commissioners, was received by me this morning.

The trial of the slayers of Lieutenant Sherwood is not prohibited by it, but that case it is impossible to try, for the reason that of the three Indians who are suspected of committing the murder, one, Curly Headed Jack, has killed himself. Miller's Charley is not in custody, and the third cannot be known nor identified.

General Davis, on leaving for Camp Warner and Portland, handed me a list of the able-bodied Modocs in arrest here, but did not designate whom I was to try.

Four of these Modocs, namely, Steamboat Frank, Hooker Jim, Bogus Charley, and Shacknasty Jim, are known as scouts. They were employed, as you know, in pursuing others of the hostile band, and, according to every testimony, did most efficient and faithful service, and did very much toward shortening the war. I decided not to arraign them for their participation in the assassination of General Canby therefor, though all were, more or less, concerned in it. I am not aware that General Davis promised them immunity, but I am assured by Captain Hasbrouck, Fourth Artillery, and others, that they proved themselves of the highest efficiency and value, so much so as to earn protection from punishment; and I learn from Mr. Riddle, the interpreter, that he himself translated to Hooker Jim an assurance from the lips of Colonel Goern, lately commanding this post, in the following words, or nearly:

You will not be hurt—you shall not be hurt.

Additional to this, their treatment by General Davis while in his hands has been such as seemed to me to be virtually a promise of protection from the punishment of their crimes, for they are left wholly free, permitted to go unguarded about the post, and might leave the place at any time if they saw fit. I was told by General Davis that I might try them if I pleased, but he recommended their employment as witnesses in the character of State's evidence. Of the four I believe Hooker Jim the worst by far. Him I had intended to use, if possible, in the trial of the Lost River murderers of citizens in 1872.

Should it be the intention of the Government to turn over to the State authorities such prisoners as were indicted for these murders, I believe it my duty to urge that these four men be reserved from that fate, both because of their services in ending the war, and of the quasi promises which would seem to have been made them that they should be protected. I am informed that the indictments were found on the information of Mrs. William Boddy, and that of those indicted several are known to have had no part in the murders referred to, and that Mrs. Boddy made more than one mistake in her designation of the guilty.

I have omitted to state an additional reason which influenced me in deciding not to arraign the four so-called scouts. I believe that there could be no better policy than that of teaching these savages that treachery to their race, under such circumstances as those which have obtained here, would meet with its sure reward. I may have been wrong in permitting this consideration to have weight, but left to decide the question of their trial by my own unaided judgment, I could do no otherwise than act in accordance with what seemed the wisest course.

I therefore respectfully invite attention to the claims of these four

men, all of whom testified to-day at the trial of the slayers of General Canby and Doctor Thomas.

Very respectfully, your obedient servant,

H. P. CURTIS,
Judge Advocate of Commission.

P. S.—I should, perhaps, more properly have addressed this communication to or through General Davis, commanding this department, but he is now on his march through the country toward Portland, and the necessity of haste seems to me to require a deviation from the usual course.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 6, 1873.

The President approves course taken in regard to four Indians referred to in Major Curtis's letter of 8th ultimo. They will be kept in custody, and not permitted to escape. Orders for their final disposition will be given hereafter.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

Major-General SCHOFIELD,
Commanding Division of Pacific, San Francisco, Cal.

WAR DEPARTMENT,
Washington City, August 13, 1873.

Mr. PRESIDENT: In accordance with your suggestion, the proceedings in the case of the Modocs sentenced for the murder of General Canby and others were submitted by me to-day to the Acting Secretary of the Interior, General Cowan—Mr. Delano being out of town—to the Attorney-General, and the Judge-Advocate General.

The conclusion arrived at, after consultation, was that the proceedings were regular, and that the sentence should be enforced. As some time will elapse before the order can reach the post at which the prisoners are confined, Friday, September 19, is suggested as the day for the execution of the sentence should you approve the finding.

General Dunn, the bearer of this, will present the proceedings to you for your action, and I have requested him to read to you the report of the Judge-Advocate General, in full.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War,

The PRESIDENT OF THE UNITED STATES.

NOTE.—Copy of proceedings of the military commission prepared in the Bureau of Military Justice and submitted separately.

[General Court-Martial Orders 32.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1873.

I. Before a military commission which convened at Fort Klamath, Oregon, July 1, 1873, pursuant to Special Field Orders No. 1, dated June 30, 1873, headquarters Department of the Columbia, in the field, Fort Klamath, Oregon, and of which Lieut. Col. W. L. Elliott, First Cavalry, is president, were arraigned and tried—

Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives.

CHARGE I. "Murder, in violation of the laws of war."

Specification 1st.—"In this: That they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding Department of the Columbia, and certain peace commissioners on the part of the said United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyar, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and the said band should cease; and did thereupon, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by said truce under the laws of war, willfully, feloniously, and of malace aforethought, kill and murder said Brigadier-General Canby. All this at or near the lava-beds, so-called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

Specification 2d.—"In this: That they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of the said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, United States Army, commanding Military Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyar, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, willfully, feloniously, and of their malace aforethought, kill and murder said Eleazur Thomas, one of the peace commissioners aforesaid. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

CHARGE II.—"Assault with intent to kill, in violation of the laws of war."

Specification 1.—"In this: That they, the Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, United States Army, commanding the Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said A. B. Meacham, commissioner as aforesaid, with an intent him, the said Meacham, then and there, feloniously, willfully, and of malice aforethought, to kill and murder, and did inflict upon the body of the said Meacham divers severe and dangerous wounds. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

Specification 2d—"In this: that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, United States Army, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did then and there, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said Dyer, commissioner as aforesaid, with an intent him, said Dyer, then and there, feloniously, willfully, and of their malice aforethought, to kill and murder. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

To which charges and specifications the accused, Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, pleaded "Not guilty."

Finding.

The commission, having maturely considered the evidence adduced, finds the accused, Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."
Of the 2d *Specification*, "Guilty."
Of the CHARGE, "Guilty."

CHARGE II.

Of the 1st *Specification*, "Guilty."
Of the 2d *Specification*, "Guilty."
Of the CHARGE, "Guilty."

SENTENCE.

And the commission does therefore sentence them, Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, "*To be hanged by the neck until they be dead, at such time and place as the proper authority shall direct, two-thirds of the members of the commission concurring therein.*"

II. The proceedings, findings, and sentences of the Military Commission in the cases of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, were approved by the commanding officer of the Department of the Columbia and forwarded to the Secretary of War for the action of the President of the United States.

The following are the orders of the President and of the Secretary of War:

EXECUTIVE OFFICE, *August* 22, 1873.

The foregoing sentences in the cases of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian prisoners, are hereby approved; and it is ordered that the sentences in the said cases be carried into execution by the proper military authority, under the orders of the Secretary War, on the third day of October, eighteen hundred and seventy-three.

U. S. GRANT,
President.

WAR DEPARTMENT,
Washington, August 23, 1873.

The foregoing record of the proceedings in the trial, by military commission, of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian prisoners, having been transmitted to the President, and laid before him for his orders thereon; and the President having in the foregoing orders approved the sentences, and directed that they be executed under the orders of the Secretary of War, the sentences will be duly executed under the direction of the general commanding the Department of the Columbia, at Fort Klamath, Oregon, Friday, October 3, 1873.

WM. W. BELKNAP,
Secretary of War.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[Special Orders No. 123.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 10, 1873.

The commanding officer, Fort Klamath, Oregon, is commanded to cause the sentences of the military commission, in the cases of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, to be duly executed in accordance with the President's order, as promulgated in general court-martial orders No. 32, War Department, Adjutant-General's Office, Washington, August 23, 1873, at Fort Klamath, Oregon, on the 3d day of October, 1873, between the hours of 10 o'clock, a. m., and 2 o'clock, p. m., of that day.

The receipt of this order will be acknowledged by telegram, and its execution by letter.

By command of Bvt. Maj. Gen. Jeff. C. Davis.

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, September 12, 1873.

SIR: In transmitting the inclosed general court-martial orders No. 34, commuting the sentence of the two Modoc Indian prisoners, Barncho and Sloluck, the President directs me to instruct you not to promulgate the order until shortly before the time of executing the death-sentence upon Captain Jack and the other three named in general court-martial orders No. 32, of August 23, 1873, when the commutation of their sentence is to be made known to the two prisoners concerned.

Please acknowledge receipt.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Maj. Gen. J. M. SCHOFIELD, *U. S. A.*,
Commanding Military Division of the Pacific,
San Francisco, Cal.

[General Court-Martial Orders No. 34.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 12, 1873.

The following orders of the President will be carried into effect under the direction of the major-general commanding the division of the Pacific:

EXECUTIVE OFFICE, *September* 10, 1873.

The Executive order dated August 22, 1873, approving the sentence of death of certain Modoc Indian prisoners, is hereby modified in the cases of Barncho, alias One-Eyed Jim, and of Sloluck, alias Cok; and the sentence in the said cases is commuted to imprisonment for life. Alcatraz Island, harbor of San Francisco, California, is designated as the place of confinement.

U. S. GRANT.
President.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT,
Washington City, September 13, 1873.

SIR: The following order was received from the President, dated August 18, 1873:

* * * * * * *

"The President also directs the removal of all other Modocs, including women, children, and scouts, to Fort D. A. Russell, as prisoners of war, to be disposed of hereafter as may be ordered.

"O. E. BABCOCK,
"*Secretary.*"

You will, therefore, give the necessary orders for the removal, which will take place as soon as possible after the execution of the prisoners under sentence.

WM. W. BELKNAP,
Secretary of War.

General TOWNSEND,
Adjutant-General.

[Confidential.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 13, 1873.

SIR: The President directs that, as soon as possible after the execution of Captain Jack and the other Indians under sentence of death, you cause all other Modoc Indians, including women, children, and scouts, to be removed to Fort D. A. Russell, Wyoming Territory, where orders will be sent for their future disposition. It is desirable that these orders should not be made public any sooner than is necessary.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Maj. Gen. J. W. SCHOFIELD, *U. S. A.*,
Commanding Division of the Pacific,
San Francisco, Cal.

[Confidential.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 15, 1873.

SIR: I am directed by the Secretary of War to inform you that, under the orders of the President of the United States, instructions have been sent Major-General Schofield, commanding Division of the Pacific, to remove all the Modoc Indians not under sentence of death, including women, children, and scouts, to Fort D. A. Russell, Wyoming Territory, as soon as possible after the execution of those under sentence. It is desired that these orders should not be made public any sooner than is necessary.

These Indians are to be held as prisoners of war until further orders.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Lieut. Gen. P. H. SHERIDAN, *U. S. A.*,
Commanding Division Missouri, Chicago, Ill.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., September 25, 1873.—(A. and P. line.)

To ADJUTANT-GENERAL,
Washington, D. C.:

SIR: Executive orders and instructions in regard to Modoc Indians received. They, with necessary instructions from these headquarters, were sent by staff-officer to Fort Klamath on 23d instant.

J. M. SCHOFIELD,
Major-General.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., October 2, 1873.

GENERAL: Since the order directing Major-General Schofield to send the Modoc Indians to Fort D. A. Russell was communicated to me, I have concluded, on mature reflection, to recommend that they be sent to Fort McPherson instead of Fort D. A. Russell. They can be cared for there as well, if not better, than at Russell, and greater liberty can be given them without much risk of their escaping.

Fort D. A. Russell is at the base of the mountains, near a town, and there is no game in the vicinity, and but few privileges can be given to even the most innocent of these savages, while Fort McPherson is isolated, in the region of game, and in an open country, and, in my judgment, a more convenient place for us to keep them, and a much better place for the Indians.

Will you please submit these views to the proper authority and ask if it is agreeable to make the change?

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General.

Gen. W. T. SHERMAN,
Commanding United States Army,
Washington, D. C.

[Indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, October 6, 1873.

Respectfully forwarded to the Secretary of War.

Brady's Island, in the Platte, near Fort McPherson, will be a place suitable for these Indians, but the quicker they are distributed to other tribes still further east, the better, as winter is near at hand.

W. T. SHERMAN,
General.

THE WESTERN UNION TELEGRAPH COMPANY,
Dated Portland, Oreg., October 5, 1873.

To ADJUTANT-GENERAL, *U. S. A.,*
Washington, D. C.:

The following telegram is respectfully transmitted for the information of the War Department.

JEFF. C. DAVIS,
Brevet Major-General, Commanding.

JACKSONVILLE, OREG., *October* 4, 1873.

To JEFF. C. DAVIS, *U. S. A.*,
Commanding Department of Columbia, Portland, Oreg.:

The hour of the execution of Captain Jack and his co-murderers at Fort Klamath, on yesterday, the sheriff of Jackson County was present with bench-warrants and exemplified copies of the indictments of the Lost River murderers, and demanded their surrender to the civil authorities of this State for trial and punishment. A writ of *habeas corpus* has also been issued by Justice Prime, of the circuit court of Jackson County, commanding that the indicted murderers be brought before him and cause be shown why they are withheld from trial. I respectfully ask that you communicate the proceedings to Washington, and that final action in the premises be taken by order from there.

L. F. GROVER,
Governor, Oregon.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 6, 1873.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

[Indorsement.]

TUESDAY, *October* 7, 1873.

Shown by the Secretary to the President in Cabinet, to-day. It is understood the orders to send all the Modocs to Fort D. A. Russell, as prisoners of war, given the 13th September, 1873, will be executed by General Schofield, and no further instructions are necessary.

To be filed.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 10, 1873.

Lieut. Gen. P. H. SHERIDAN,
Commanding Division Missouri, Chicago, Ill.:

Your letter of the 2d, in relation to disposition of the Modocs, has been submitted to the President. They would only remain at Russell two or three weeks, but if you think best you can send them to McPherson.

E. D. TOWNSEND,
Adjutant-General.

[Telegram.]

CHICAGO, ILL., *October* 27, 1873.

Col. WM. D. WHIPPLE:

Can the General of the Army ascertain how long we will be required to keep the Modoc Indians at Fort McPherson? If we are to have them long, some expense will have to be incurred to make them comfortable.

P. H. SHERIDAN,
Lieutenant-General.

WAR DEPARTMENT.
Washington City, October 30, 1873.

SIR: I have the honor to send herewith copy of a dispatch received from Lieutenant-General Sheridan, inquiring how long we will be required to keep the Modoc Indians at Fort McPherson.

As this Department is unable, owing to a scarcity of supplies, long to sustain them, I would beg that arrangements be made as soon as practicable by the Indian Bureau to relieve this Department of their care. I would like to telegraph to General Sheridan to-day.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 31, 1873.

Lieut. Gen. P. H. SHERIDAN,
Commanding Division Missouri, Chicago, Ill. :

The Interior Department will take charge of the Modocs within a week or ten days, and remove them.

By order of the Secretary of War:

E. D. TOWNSEND.
Adjutant-General.

PRESIDIO, SAN FRANCISCO, CAL.,
November 5, 1873.

SIR: I have the honor to report that, in accordance with instructions received from the headquarters of the District of the Lakes, and telegraphic orders from the headquarters of the Department of the Platte, received while *en route*, I turned over, October 29, 1873, to the commanding officer at Fort McPherson, Nebraska, all the Modoc prisoners intrusted to me, except the two sent to Alcatraz Island. The total number of Modocs turned over to me at Fort Klamath, Oregon, was one hundred and fifty-five. Inclosed I transmit receipt of Col. J. J. Reynolds, Third Cavalry, for one hundred and fifty-three.

I am, sir, very respectfully, your obedient servant,

H. C. HASBROUCK,
Captain Fourth Artillery.

Major SAMUEL BRECK,
Assistant Adjutant-General, Department California.

[Inclosure.]

FORT MCPHERSON, NEBR.,
October 29, 1873.

Received of Capt. H. C. Hasbrouck, Fourth Artillery, one hundred and fifty-three Modoc Indians, viz:

Thirty-nine men, fifty-four women, and sixty children.

J. J. REYNOLDS,
Colonel Third Cavalry, Commanding Post.

WAR DEPARTMENT,
Washington City, December 2, 1873.

SIR: I have the honor to inclose, for your information, copy of letter of Capt. H. C. Hasbrouck, Fourth Artillery, dated the 5th ultimo, reporting the delivery of the Modoc prisoners to the commanding officer at Fort McPherson, Nebraska, on the 29th of October, 1873; also copy of receipt of Colonel Reynolds for one hundred and fifty-three Modoc Indians.

Very respectfully, your obedient servant,

WM. W. BELKNAP.
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 31, 1873.

SIR: I have the honor to transmit herewith a copy of a letter of this date, from the Commissioner of Indian Affairs, recommending the detail of Lieut. Melville C. Wilkinson to proceed to Fort McPherson, and to take charge of the Modoc prisoners at that place, and attend to their transportation to the Quapaw agency in the Indian Territory, and respectfully request that said recommendation be carried into effect.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 31, 1873.

SIR: I have the honor to recommend that application be made to the War Department for the detail of Lieut. Melville C. Wilkinson to proceed to Fort McPherson and take charge of the Modoc prisoners at that place, and attend to their transportation to the Quapaw agency in the Indian Territory.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

WAR DEPARTMENT,
Washington City, November 1, 1873.

SIR: In reply to your letter of the 31st ultimo, inclosing copy of a letter of same date, from the Commissioner of Indian Affairs, recommending the detail of Lieut. Melville C. Wilkinson to proceed to Fort McPherson, and to take charge of the Modoc prisoners at that place, and attend to their transportation to the Quapaw agency in the Indian Territory, I have the honor to inform you that I have approved the recommendation of the Commissioner of Indian Affairs, and the necessary orders will be at once issued by the Adjutant-General.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 3, 1873.

SIR: In accordance with the recommendation of the honorable the Secretary of the Interior, the Secretary of War directs that you proceed to Fort McPherson, Nebr., and take charge of the Modoc prisoners at that place, and attend to their transportation to the Quapaw agency in the Indian Territory.

On the completion of this duty you will return to your station in this city.

Mileage on this order will not be paid by the War Department, it being understood that the Interior Department will pay the expenses of your journey.

Very respectfully, your obedient servant,

E. D. TOWNSEND.
Adjutant-General.

First Lieut. M. C. WILKINSON,
Third Infantry, A. D. C. to Brigadier-General Howard.
(Through Brig. Gen. O. O. Howard, U. S. A., Washington.)

WAR DEPARTMENT,
Washington City, November 5, 1873.

SIR: Referring to your letter of October 31, and my reply of the 1st instant upon the subject, I have the honor to inclose, for your information, copy of the letter of the Adjutant-General, dated November 3, directing Lieut. M. C. Wilkinson to proceed to Fort McPherson, Nebr., and take charge of the Modoc prisoners at that place, &c., mileage to be paid him by the Interior Department.

Very respectfully, your obedient servant,

W. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

PART IV.

Final report of the commanding general, Department of the Columbia, covering all military operations, and copies of orders on the subject, issued by the division and department commanders.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., November 7, 1873.

SIR: I have the honor to forward herewith, to the General of the Army, the annual report of Bvt. Maj. Gen. Jeff. C. Davis, Colonel Twenty-Third Infantry, commanding the Department of the Columbia, which had not been received here at the date of my report. General Davis gives a full summary of operations against the Modoc Indians, ending with their capture and the trial and punishment of those engaged in the peace commission massacre. The effect of this administration of justice, though tardy, has been most salutary upon other tribes throughout the department.

I take great pleasure in expressing my high appreciation of the manner in which General Davis conducted the final operations in the Modoc

campaign, where the inspiriting influence of his presence, example, and judicious orders, speedily changed disaster and defeat into complete success.

* * * * * * *

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major General.

The ASSISTANT ADJUTANT-GENERAL,
Headquarters U. S. A., Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., November 1, 1873.

SIR: I have the honor to submit the following report of military operations in this department during the past year. The last annual report of the department was submitted by my predecessor, the late General Canby, dated October 1, 1872.

From the date of this report no important movements of the troops took place until the latter part of November, the breaking out of the Modoc insurrection, or war, as it is generally designated. It is not believed to be within the scope of a report of this kind to enter in detail into the causes which led to this outbreak, but to confine it as near as possible to a description of what the troops have done, and the manner in which they have performed their duties.

It may not be improper, however, to state here, that the Modoc tribe of Indians has been known since 1846 as a band of treacherous and murderous savages. The old emigrant road to Oregon, which passes through the country occupied by them, where it reaches the shore of Tule Lake, is lined with the graves of hundreds of immigrants. Murder Point is a well known spot to all old immigrants to this country.

The Military Department of the Government does not, so far as the records here show, seem to have had much to do with these Indians until about 1863, at which time a military post was built at Fort Klamath, under the advice of General Alvord, then in command of the district of Oregon, now Paymaster-General of the Army. He reported the establishment of this post as necessary to "protect the emigrant-roads and the frontier settlements," and further added that "many immigrants having at different dates been murdered upon that road." Major C. S. Drew, First Cavalry, Oregon Volunteers, reporting on the necessity of building a post in Klamath Basin, February 12 and 20, 1863, says, "Since 1846 one hundred and fifty-one persons have been murdered, and an estimate of about three hundred other persons more or less seriously wounded by Indians in that vicinity." From that time up to the present the records of this office are replete with correspondence in reference to these Indians; much of it going to show the insolent and insubordinate character of the tribe. The naturally strong position held by these Indians in the lava-beds and vicinity has doubtless, from time immemorial, enabled them to exercise a powerful influence and control over other neighboring tribes. It also enabled them for many years to exact heavy tribute from the unwary immigrant to Southern Oregon and Northern California.

In 1864 a treaty was made with these Indians and other tribes, which required them to give up this portion of the country and to settle upon Klamath reservation. This particular band of the Modocs, known as

Captain Jack's party, seems to have gone on the reservation with reluctance, and remained only for a short period. After leaving it, they gave as a reason for so doing, bad treatment of the agents in charge. Whether or not their complaints were true, is a question to be decided by the Indian Department. They certainly did not justify the war they subsequently instigated and waged.

While off the reservation and roaming about the country at large they gave considerable alarm to the citizens; not without cause, as events have since shown. I am satisfied Jack and his principal warriors contemplated going to war long before it broke out.

After the Indian superintendent in charge had apparently exhausted every effort to induce this refractory band to return, without success, Major John Green, First Cavalry, commanding at Fort Klamath, was called upon by the superintendent of Indian affairs for Oregon for military aid in forcing them back upon the reservation. (See accompanying copy of a letter from Superintendent Odeneal, dated Link River, November 27, 1872, marked A.)

In compliance with the official request contained in this letter, Captain James Jackson, a cool and discreet officer, with his troop B, First Cavalry, numbering about thirty-six effective men, was ordered to perform this duty. The conduct of the Indians toward the citizens of the country for many months previous, the failure of the superintendent to effect a peaceful return to their reservation, their numbers relatively considered, and their preparedness for hostilities, all prognosticated war, and made the duties of the military authorities exceedingly delicate.

Complying with his instructions, Captain Jackson sought and found the Indians' camp on Lost River, a few miles above its junction with Tule Lake, near Crowley's ranch. He came upon them at daylight in the morning, and demanded their surrender; he also asked a talk with Captain Jack. They would neither lay down their arms nor surrender, but at once assumed a hostile attitude, and opened fire upon the troops. The fire was returned, and the Modoc war was inaugurated. See Captain Jackson's report December 2, 1872, of this engagement, marked B.

The hostile Indians numbered about eighty warriors, double Jackson's force. This was a miscalculation, made no doubt under the belief that the Indians would, when brought to the test, lay down their arms and go back to the reservation; at any rate, no provision had been made against the failure which followed.

The Indians retreated to their stronghold in the lava-beds, (the troops were unable to pursue them.) Separating in different parties, they murdered the citizens on Lost River and Tule Lake as they went. Those citizens had for months previous believed that the Indians meant hostilities, yet when the blow came they were totally unprepared for it. All were at work at their daily vocations. They fell innocent victims to savage brutality. Some ten or a dozen were murdered on the road.

The Indians now took refuge in the lava-beds, and prepared for their bloody work. This remarkable formation of rocky upheavals made for them a series of natural fortifications almost impregnable. They are very difficult to describe.

Lieut. Col. Frank Wheaton, Twenty-first Infantry, commanding the District of the Lakes, at once ordered all the available troops under his command into the field, and took command of them in person. The concentration of the necessary troops and supplies required, in the then condition of the roads, some weeks of time. By the 17th of January, however, Colonel Wheaton had collected a force consisting of regulars, volunteers, and a few Klamath Indians as scouts, in all about four hun-

dred, which he deemed sufficient to justify an attack. The fight lasted nearly all day. The loss of the troops in killed and wounded, as well as the report of Colonel Wheaton, heretofore forwarded, show that they fought well. The effort, however, failed, and Colonel Wheaton withdrew his command to a suitable camp on Lost River.

The Modoc insurrection had now assumed a very formidable aspect. Colonel Wheaton at once called for three hundred more foot-troops. The additional troops called for were immediately ordered by Gen. E. R. S. Canby, commanding the department at the time, and temporarily in command of the Military Division of the Pacific. Before, however, the troops called for could be gotten into the field, orders from the War Department were received, indicating a desire on the part of the Government to arrest further prosecution of the war, and to again resort to a more peaceful method of settling the difficulty. (See telegrams of General of the Army, dated Washington, D. C., January 30 and 31, 1873.)

Considerable humiliation was felt by the troops at this time.

Peace commissioners were appointed, and soon reached the vicinity of the hostiles in the lava-beds. General Canby was requested to meet the commissioners, and advise with them in their negotiations. He left his headquarters at Portland on the 8th of February, and in a few days afterward reached the scene of operations.

The commissioners at once set to work and opened communications with Jack, the chief. Those present, who were most familiar with this unwhipped savage and his band, had little confidence in good resulting from these talks. Over two months were spent by the commissioners in their fruitless attempts to bring about peace-measures.

The troops, in the mean time, were made as comfortable as the season of the year and circumstances would permit. Yet the many tedious winter weeks spent by the negotiators—experimentalists is, perhaps, a better expression—were very trying. Various attempts were made to treat with these Indians, but to get them in a humor to talk at all was often a difficult matter.

It was manifest from the beginning that they were bent on treachery and war. After they had successfully fought the troops and murdered citizens at pleasure, they believed they could do as they pleased. The presence of the peace commissioners only confirmed them in this belief, and made them more arrogant, if possible.

About the 1st of April the chief and some of his leading spirits determined upon a conspiracy to murder the commissioners, General Canby, and other commanders of the troops. To this end a meeting was asked for by Captain Jack. It was agreed to. The place selected was between the two camps. The 11th of April was the day appointed. All parties were to meet unarmed.

When the commissioners reached the ground, it was observed that the Indians were armed, while other members of the tribe were seen lurking among the rocks near by. These actions foreboded evil; yet the negotiations proceeded until Jack, the leader, arose from his seat and attacked General Canby with his pistol. This was the signal for the general massacre. Gen. E. R. S. Canby and the Rev. Doctor Eleazur Thomas fell on the field. Mr. A. B. Meacham escaped with his life, but badly wounded, and Mr. L. S. Dyar saved his life in flight. The interpreters also escaped in flight.

This diabolical act deprived the country of two valuable lives, the Army of a veteran officer and highly respected commander.

At the same time this terrible tragedy was being enacted, a similar

attempt, under cover of flag of truce, was made in front of Major Mason's camp, some three miles distant, to decoy him and some of his officers into the same trap. Lieut. W. H. Boyle and W. L. Sherwood, Twenty-first Infantry, met the flag in front of the picket-line. They were fired upon, and the latter was killed.

The price of peace with this band of murderers had, before this meeting, been very costly, in both lives and money, and, as before stated, humiliating to the troops engaged in the expedition. The oft-repeated proffers of peace and Government bounties were not only spurned by this act, but the black flag of war was exultingly raised. No quarter was the issue raised with it, and which had now to be met. Orders authorizing the swift and summary punishment of the outlaws were at once issued by the War Department. It was believed no measure of punishment could be too great, or too quickly meted out, under the circumstances.

In accordance with his instructions to renew hostilities, Col. A. C. Gillem, First Cavalry, ordered an attack on the enemy's stronghold on the 15th of April, a few days after the massacre. The fight lasted three days. The enemy abandoned his position, evidently much exhausted by the prolonged attack, but his retreat was not followed up with sufficient spirit to keep him so. He took refuge and rest in another similar stronghold a few miles off. The lava-beds contain many such.

Colonel Gillem's report of this engagement, though called for, has not yet been received; it will be forwarded. To it I must respectfully refer for details.

A part of the troops took possession of and occupied the abandoned camp and works; the rest returned to their respective camps.

The next aggressive movement was made on the 26th of April. It was a reconnaissance under the command of Capt. Evan Thomas, Fourth Artillery. The party sent out on this expedition consisted of five commissioned officers, an acting assistant-surgeon, and about sixty-five enlisted men, and a few (fourteen) Warm Spring Indians. It proved to be one of the most disastrous affairs our Army has up to this time had to record. So far as I am informed, no report of it has yet been made, other than a short and hurried one sent by me to the general commanding the military division a few days subsequent. It is appended, marked C.

The object of this reconnaissance was important. It was organized by Maj. John Green, under the authority of Col. Alvan C. Gillem. It was, I think, quite sufficient in numbers, and was well appointed for the service to make a reconnaissance only. Capt. Evan Thomas, Fourth Artillery, First Lieut. T. F. Weight, Twelfth Infantry, Lieuts. Albion Howe and Arthur Cranston, Fourth Artillery, were killed on the field. Lieut. George M. Harris, Fourth Artillery, was mortally wounded and died a few days after. Act. Asst. Surg. B. Semig was severely wounded but is still living, with the loss of a leg below the knee.

As well as I can get at the facts, every officer in this engagement stood to his post of duty, and fell killed or wounded, and about one third of the men—noble fellows—stood by them. About two-thirds of the enlisted men became panic-stricken and ran away. Considering the advantageous position held by the Indians, and their superior numbers relatively to those who determined to die, rather than run, the fight was very unequal.

This command was ordered on a reconnaissance, and there may have been some slight mistakes made in the conduct of it; but they who

stood to the fight filled true soldiers' graves. The cowards who ran away disgraced themselves and the service.

The order assigning me to the command of the Department of the Columbia was dated April 14, 1873; it was received at Indianapolis, Ind. I at once left for the lava-beds, and reached the camp of the troops on the 2d of May. I found them laboring under great depression of spirits; their cheerless winter camps, heavy losses, and repeated failures, had doubtless diminished their zeal and confidence to a considerable extent before the disaster to Captain Thomas's command. Its effects were very visible upon the morale of the command; so much so that I deemed it imprudent to order the aggressive movements it was my desire and intention to make at once, upon my arrival, in order to watch the movements of the Indians. During the few days required to examine into the condition of affairs, and to effect a re-organization of the command, made necessary under the circumstances, as well as by the arrival from San Francisco of Capt. John Mendenhall's command, I sent a couple of friendly Indian squaws of the Modoc tribe into the lava-beds. After two days they returned almost exhausted from fatigue, having searched the country quite thoroughly. They reported the Indians gone but recently. A few Warm Spring Indians sent out the next day confirmed their report.

Hasbrouck's and Jackson's companies, with the Warm Spring Indians, all under command of the former, were immediately sent out in pursuit, and signs of Indians were found near Sorass Lake, where the troops camped for the night. On the morning of the 10th the Indians attacked the troops at daylight; they were not fully prepared for it, but at once sprang to their arms, and returned the fire in gallant style. The Indians soon broke and retreated in the direction of the lava-beds. They contested the ground with the troops hotly for some three miles.

The object of this hasty movement of the troops was to overhaul the Indians, if out of the lava-beds as reported, and prevent them from murdering settlers in their probable retreat to another locality. This object was obtained, and more. The troops have had, all things considered, a very square fight, and whipped the Modocs for the first time. But the whole band was again in the rocky stronghold.

As soon as the result was made known to me by signals, I immediately ordered the troops to be dismounted, and follow the enemy on foot, the horses to be sent to a safe place for grazing, and never lose sight of him. Water and provisions were ordered up also.

Major Mason, with his own and Mendenhall's foot-artillery, was ordered to leave behind suitable camp-guards, and to move directly through the lava-beds, so as to take a position as near as possible to the enemy, and opposite the one assumed by Hasbrouck's command. This scramble (it cannot be properly called a march) of fourteen miles was exceedingly creditable to the troops and commander, Major Mason.

The Indians were now closely threatened with attacks from two sides, sandwiched but not surrounded.

All the troops by this time were much recuperated and inspirited, and I resolved to carry out my plan, formed when I first arrived. This was to move them (the troops) all into the lava-beds and form a series of bivouacs from which they could fight when opportunity offered, or could rest and take things easy, like the Indians.

The pack-trains engaged in supplying the troops already there were ordered to be increased with this view, but the Indians had already become exhausted in watching the forces threatening them so persistently since their fight at Sorass Lake that a retreat or capture was inevitable.

The chief could no longer keep his warriors up to the work required of them, lying on their arms night and day and watching for an attack. These exactions were so great, and the conduct of the leader so tyrannical, that insubordination sprang up, which led to dissensions, and final separation of the band into two parties; they left the lava-beds bitter enemies. The troops soon discovered their departure and were sent in pursuit. Their trails were found leading in a westerly direction. Hasbrouck's command of cavalry, after a hard march of some fifty miles, came upon the Cottonwood band and had a sharp running fight of seven or eight miles. The Indians scattered in order to avoid death or capture. The cavalry horses were completely exhausted in the chase, and night coming on he withdrew his troops a few miles distance to Fairchild's ranch for food and forage.

Indians captured in this engagement expressed the belief that this band would like to give themselves up if opportunity were offered. When given this, through the medium of friendly Indians, they made an effort to obtain terms, but I at once refused to entertain anything of the kind; they could only be allowed safe-conduct through the camp to my headquarters when they arrived at the picket-line. They came in on the 22d of May and laid down their arms, accompanied by their old men, women, and children; in all, about one hundred and fifty.

It had been rumored for a day or two that Jack's party had taken a different direction from this band. These captives confirmed this report, but from them I could learn only enough to satisfy me that he and his band had fled in one of two directions: south, in the Pitt River country, or east, toward Goose Lake, either course endangering the lives of citizens and destruction of property.

The mounted troops were all drawn, by recent operations, west of the lava-beds, and this band of the marauders were yet at large, probably about one hundred miles from us, perhaps on the rampage, enjoying an Indian's luxuries in the settlements outside of reservations.

In order to meet this emergency, the cavalry force, including Indian scouts, was divided into three detachments under Capts. D. Perry, H. C. Hasbrouck, and James Jackson; Maj. John Green commanding the whole. All were ordered to rendezvous, as soon as possible, at Boyle's camp, east of Tule Lake. This movement would require at least three days. To learn the exact whereabouts of the Indians was now very important, and I determined to accept of the offered services of a Modoc captive; one who, up to the time of their separation, was known to be in the confidence of his chief, and could lead us to the hiding-place of the band. He was an unmitigated cut-throat, and for this reason I was loath to make any use of him that would compromise his well-earned claims to the halter. He desired eight others to accompany and support him, under the belief his chief would kill him on sight; but three others only were accepted, and these of the least guilty ones. They were promised no rewards for this service whatever. Believing the end justified the means, I set them out, thoroughly armed for the service.

After nearly three days' hunting they came upon Jack's camp on Willow Creek, east of Wright Lake, fifteen miles from Applegate's ranch, to which I had gone, after separation from them at Tule Lake, to await their return and the arrival of the cavalry.

The scouts reported a stormy interview with their angry chief. He denounced them in severe terms for leaving him; he intended to die with his gun in his hand; they were squaws, not men. He intended to jump Applegate's ranch that night, (the 28th,) &c.

On the return of these scouts, I immediately sent Capt. E. V. Sumner, aid-de-camp, back to the rendezvous at Tule Lake, with orders to push forward Capts. H. C. Hasbrouck's and James Jackson's commands to Applegate's ranch, with rations for three days in haversacks, and pack-mules with ten days' supply. All arrived and reported by 9 o'clock a. m. the 29th, under command of Maj. John Green, their veteran cavalry-leader since the commencement of the Modoc war, in excellent spirits. The impenetrable rocky pedregal was behind them; the desperado and his band were ahead of them in comparatively an open country.

After allowing the animals an hour's rest the pursuit was renewed, and about one o'clock p. m. Jack and band were jumped on Willow Creek near its crossing with the old emigrant road. This stream forms the head-waters of Lost River. It was a complete surprise. The Indians fled in the direction of Langell Valley. The pursuit from this time on, until the final captures, June 3d, partook more of a chase after wild beasts than war; each detachment vying with each other as to which should be first in at the finish.

Lieut. Col. Frank Wheaton, Twenty-first Infantry, reported to me, in compliance with his orders, from Camp Warner, on the 22d, at Fairchild's ranch. He was placed in command of the District of the Lakes, and the troops composing the Modoc expedition.

After making necessary disposition of the foot troops and captives at Fairchild's ranch, he came forward to Clear Lake and joined me at Applegate's with Perry's detachment of cavalry; these troops were at once sent to join in the hunt. Most of the band had by this time been run down and captured, but the chief and a few of his most noted warriors were still running in every direction.

It fell to the lot of these troopers to catch Jack. When surrounded and captured he said his "legs had given out." Two or three other warriors gave themselves up with him.

Though called for, no reports have been received of these operations from the different detachment-commanders, hence details cannot be given.

As soon as the captives were brought in, directions were given to concentrate the troops, and all captives, &c., at Boyle's camp on Tule Lake. There the Oregon volunteers, who had been called into the field by the governor, turned over a few captives they had taken over on their side of the line. It is proper to mention in this connection that these volunteers were not under my command. They confined their operations to protecting the citizens of their own State. Yet on several occasions they offered their services informally to report to me for duty in case I needed them. No emergency arose requiring me to call upon them.

By the 5th of June, the whole band, with a few unimportant exceptions, had been captured, and was assembled in our camp on Tule Lake, when I received orders from the General of the Army to hold them under guard until further instructions as to what disposition would be made of them. It was my intention to execute some eight or ten of the ringleaders of the band on the spot; these orders, however, relieved me of this stern duty—a duty imposed upon me, as I believed, by the spirit of the orders issued for the guidance of the commander of the Modoc expedition, immediately after the murder of the peace commissioners; as well as by the requirements of the case, judging from my stand-point of view, a commander in the field. I was glad to be relieved from this grave responsibility. I only regretted not being better informed of the

intentions of the authorities at Washington, in regard to these prisoners after capture. In accordance with instructions, as soon as the Attorney-General's decision was received, I ordered a military commission for their trial, and with that view moved them to Fort Klamath, as a more suitable place to guard and try them. Six were tried and convicted of murder; four have been executed; two have had their sentences commuted to imprisonment for life by the President.

A few days after these executions took place at Fort Klamath, on the 3d ultimo, the remainder of the band was started to their new homes in Wyoming Territory; they are probably there by this time.

The number of officers killed in this expedition is eight; wounded, three; total, eleven. Enlisted men killed, thirty-nine; wounded, sixty-one; total, one hundred. Citizens killed, sixteen; wounded, one; total, seventeen. Warm Spring Indian scouts killed, two; wounded, two; total, four. Grand total killed and wounded, one hundred and thirty-two. A large number of the killed were murdered after being wounded and falling into the hands of the Indians. (See accompanying list of killed and wounded, marked D.

During the Modoc excitement many of the Indian tribes of Oregon, Idaho, and Washington Territory showed a very discontented feeling and strong sympathies with the hostiles. The settlers seemed much alarmed in some localities. To meet this state of affairs I thought it best to organize as large a force as practicable, and make a tour through the country *en route* to the proper stations of the troops. The march was made through Eastern Oregon and Washington Territory; it was about six hundred miles. The cavalry was commanded by Maj. John Green, the foot-troops by Maj. E. C. Mason. The march was well conducted by these commanders, and well performed by the troops. I was gratified to see that with the capture of the Modoc band the excitement ceased. All the tribes throughout the department are now perfectly quiet.

* * * * * * *

The quartermaster's department, at the outbreak of the Modoc insurrection, was under Lieut. Col. Rufus Saxton, as chief quartermaster of the department; but the theater of operations was on the boundary-line of the two departments, California and Columbia. The expenditures and management were, under these circumstances, divided between the headquarters at San Francisco and Portland, Oreg. This same remark is more or less applicable to all the other departments of the staff of supplies. Under these circumstances, however, the troops were in the main well supplied, and, in general, promptly; but still I am satisfied the quartermaster's department has paid, or will have to pay, a very heavy bill in the matter of transportation for the prosecution of the Modoc war; for want of unity of control, affairs did not always work well, however zealous and efficient the officers might be.

The means of transportation at the different stations, of the troops, was exceedingly limited at the outbreak, merely to the wants of the garrisons. When the troops were suddenly called into the field, a large increase of transportation was needed, and had to be hired from the citizens of the country. These teams were doubtless hired at the best rates possible to the Government, but the demand was great, and the prices correspondingly large. The question as to whether it is not better to keep on hand a greater amount of transportation, so as to meet the demands in departments of this kind where Indian outbreaks are likely to occur at any time, or to economize in times of temporary tranquillity and be compelled to pay such exorbitant prices when the emergencies

come—this is a proper problem for the Quartermaster's Department to solve.

When General Canby went to the field he did not take his department staff with him, only an aid-de-camp, doubtless thinking the difficulty would soon be settled. When I succeeded him I found only an improvised staff in the field. It was efficient, and, under the circumstances, worked well. These officers deserve mention. Capt. C. H. Hoyt, of the quartermaster's department in the field, with his assistant, Lieut. E. W. Stone, at Yreka. Lieuts. W. H. Boyle, Twenty-first Infantry, and M. C. Grier, Fourth Artillery in the field, were faithful and prompt in the performance of all their duties; as acting assistant quartermaster and acting commissary of subsistence these officers deserve great credit. Asst. Surgs. H. McElderry, Edwin Bently, and Calvin De Witt deserve special praise for skill and devotion to the sick and wounded.

I was only in the field a few weeks before the close of the expedition, and have not yet received (as before stated) the report of Colonel Gillem, which, when received, will no doubt give the details of all movements that took place while he was in command. It is proper, however, that I should mention some of the commanders of detachments and battalions, whose positions brought them more immediately under my observation. Maj. John Green commanded generally all the mounted troops and Maj. E. C. Mason the foot-troops. These commanders were always efficient and zealous. They participated in the whole war, and deserve great credit for the manner in which they performed their arduous and sometimes perplexing duties. Capts. David Perry, H. C. Hasbrouck, and James Jackson all commanded detachments of mounted troops from time to time, under Major Green, with zeal and ability. Capt. John Mendenhall, Fourth Artillery, marched his battalion of Fourth Artillery troops from Redding, Cal., to the lava-beds, arriving the last of April, in time to take an active part in the remaining part of the expedition. The conduct of Captain Mendenhall and command was very creditable to him and to them.

When I went into the field I needed only an aid-de-camp as an assistant, and while at military division headquarters *en route* I secured the services of Capt. E. V. Sumner, First Cavalry. He performed the duties of assistant adjutant-general efficiently and well. Lieut. Col. Frank Wheaton was placed in command of the Modoc expedition soon after the insurrection broke out, but had been superseded by Col. Alvan C. Gillem, his superior in rank. On my arrival at the headquarters of the expedition, I learned that he would be pleased to take a more active part in the field. I at once had him ordered to report to me for that purpose. He did so on the 22d of May; but the closing of the troubles was so near at hand that I was not able to assign him a post equal to his zeal and experience. He is still in command of the District of the Lakes.

* * * * * * *

Very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General Commanding.

NOTE.—Inclosures A, B, and C appear in their proper places in the foregoing correspondence, and are not re-copied here.

D.—*List of killed and wounded during the Modoc expedition, 1872 and 1873.*

Company and regiment.	Wounded.		Killed.		Wounded.	Killed.
	Officers.	Enlisted men.	Officers.	Enlisted men.		
Brig. Gen. Edward R. S. Canby	.....	.....	1	.....	.....	.....
Company A, Fourth Artillery	.....	4	2	8	.....	.....
Company E, Fourth Artillery	.....	3	.....	5	.....	.....
Company K, Fourth Artillery	.....	7	1	4	.....	.....
Company M, Fourth Artillery	.....	2	1	1	.....	.....
Company B, First Cavalry	.....	14	.....	4	.....	.....
Company F, First Cavalry	1	5	.....	2	.....	.....
Company G, First Cavalry	1	8	.....	3	.....	.....
Company K, First Cavalry	.....	2	.....	1	.....	.....
Company E, Twelfth Infantry	.....	6	1	4	.....	.....
Company G, Twelfth Infantry	1	2	.....	2	.....	.....
Company B, Twenty-first Infantry	.....	3	.....	2	.....	.....
Company C, Twenty-first Infantry	.....	3	.....	1	.....	.....
Company E, Twenty-first Infantry	.....	.....	1	.....	.....	.....
Company F, Twenty-first Infantry	.....	1	.....	2	.....	.....
Company I, Twenty-first Infantry	.....	1	.....	.....	.....	.....
Assistant surgeon	.....	.....	1	.....	.....	.....
Citizens	.....	.....	.....	.....	1	16
Warm Spring Indian scouts	.....	.....	.....	.....	2	2
Total	3	61	8	39	3	18

RECAPITULATION.

	Killed.	Wounded.	Total killed and wounded.
Officers	8	3	11
Enlisted men	39	61	100
Citizens	16	1	17
Warm Spring Indian scouts	2	2	4
Total killed and wounded	65	67	132

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 4, 1873.

SIR: On reading my annual report, dated November 1 of this year, I discover in the copy on file here two errors, which I desire to correct:

"They came in on the 22d of May, and laid down their arms, accompanied by their old men, women, and children, in all about *one hundred and fifty.*" Should read, in all about seventy-five.

"The number of officers killed in this expedition is eight, wounded three." Should read, killed *seven*, wounded *four*, total eleven.

I am, sir, very respectfully, your obedient servant,

JEF. C. DAVIS,
Brevet Major-General, Commanding.

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.
(Through headquarters Military Division of the Pacific.)

[1st indorsement.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, December 12, 1873.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General.

[2d indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 24, 1873.

Respectfully submitted to the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

COPIES OF ORDERS.

[Special Orders No. 112.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 10, 1872.

1. In view of the proposed removal, by the Indian Department, of the Modoc Indians to the vicinity of Yainax Station, the post of Fort Klamath will be regarded as included in the District of the Lakes for the purposes of any military operations that may become necessary in aid of this removal.

It is not intended, by this order, to change the present relations between Fort Klamath and department headquarters, but simply to give the senior officer the power, in an emergency, to control all the military force and material at the several posts in that section of the country.

The commanding officer at Fort Klamath will make such reports to district headquarters as may be useful for the information of the district commander, or as may be called for by him.

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By command of Brigadier-General Canby:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, Aid-de-Camp,
Acting Assistant Adjutant-General.

[Special Orders No. 164.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 3, 1872.

1. Major Mason, with the effective force of companies B and C, Twenty-first Infantry, will proceed as rapidly as possible to Jacksonville, Oreg., and thence, as the latest information may determine, to Fort Klamath, or directly to the Link River settlements in southern Oregon, reporting by courier from Jacksonville to the commanding officer of the District of the Lakes, and the commanding officer at Fort Klamath.

The quartermaster's and subsistence departments will furnish the necessary transportation and supplies.

2. Acting Assistant-Surgeon J. B. White will report in person to Maj. Edwin C. Mason, Twenty-first Infantry, for duty with his command.

3. The chief quartermaster will transfer to the quartermaster of Major Mason's command five hundred dollars ($500) from the appropriation for transportation of the Army, and five hundred dollars ($500) from the appropriation for incidental expenses.

4. The chief commissary of subsistence will transfer to the commissary of subsistence of Major Mason's command five hundred dollars ($500) subsistence funds.

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 167.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 7, 1872.

1. The commanding officer Vancouver Arsenal will invoice the following ordnance stores to First Lieut. Ebenezer W. Stone, Twenty-first Infantry, Jacksonville, Oreg., and transfer them to the quartermaster's department for transportation, viz:

Eight thousand (8,000) rounds center-primed metallic cartridges, caliber .50; and four thousand rounds cartridges for Remington revolver, muzzle-loading, caliber .44.

2. A sub-depot is established at Jacksonville, Oreg., under the charge of First Lieut. Ebenezer W. Stone, Twenty-first Infantry.

All supplies for the use of the troops operating in the Modoc country will be sent to him for distribution, upon the requisitions of the district or other commanding officer.

* * * * * * *

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 178.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 26, 1872.

1. The commanding officer Fort Vancouver will order all the effective officers and enlisted men at his post, belonging to companies of the Twenty-first Infantry, now in the field operating against the Modoc Indians, to join their respective companies without delay. The quartermaster's department will furnish the necessary transportation.

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By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant General.

[Special Orders No. 180.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 28, 1872.

* * * * * * *

2. The chief commissary of subsistence will transfer to First Lieut. John M. Ross, Twenty-first Infantry, commanding detachment of troops *en route* to the Modoc country, fifty dollars, subsistence funds.

3. The chief quartermaster will transfer to First Lieut. John M. Ross, Twenty-first Infantry, commanding detachment of troops *en route* to the Modoc country, fifty dollars, from the appropriation for transportation of the Army.

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD.
Assistant Adjutant-General.

[Special Orders No. 181.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., December 30, 1872.

* * * * * * *

3. The public exigencies requiring the immediate delivery of the articles—there being none on hand for issue—the chief quartermaster is authorized to purchase in open market for the use of troops in the field, operating against the Modoc Indians, two paulins, sixteen pounds rope, and one ax and helve.

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 4.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, January 9, 1873.

I. Batteries M (Throckmorton's) and A, (Thomas's,) Fourth Artillery, now at Presidio, will be at once put in readiness for immediate field service in Oregon. They will be as lightly equipped as is consistent with efficiency, (the baggage being arranged for pack-animals,) and take two hundred rounds of ammunition. The post commander at the Presidio will see that everything is in readiness for these two batteries to move as soon as notified, by rail, to Reading, and to march from that place, via Yreka, to their destination.

The quartermaster's department will see that the necessary transportation is in readiness, and the subsistence department that the necessary subsistence is in readiness.

The medical director of the department will provide a competent medical officer to accompany this command.

II. Troop K, (Biddle's,) First Cavalry, will be at once put in readiness for field-service in Oregon, being equipped as lightly as is consistent with efficiency, (the baggage being arranged for pack-animals,) and provided with two hundred rounds of ammunition. The post commander at Camp Halleck, Nevada, will see that it is immediately put in readiness to move, as soon as notified, by rail, via Marysville, to Reading, and march from that place to their destination, via Yreka, Cal.

The quartermaster's department will have the necessary transportation in readiness, and the subsistence department will provide the necessary subsistence.

By command of Brigadier-General Canby:

SAM'L BRECK,
Assistant Adjutant-General.

Official:

W'M M. WHERRY.
Acting Assistant Adjutant-General.

[Special Orders No. 10.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, January 20, 1873.

Batteries M (Captain Throckmorton's) and A, (Captain Thomas's,) Fourth Artillery, under the command of the senior officer, will, as early to-morrow morning as possible, proceed to report for duty to Lieut. Col. F. Wheaton, Twenty-first Infantry, commanding District of the Lakes, and now on the eastern side of Link River, Jackson County, Oregon. The route to be taken will be by rail to Redding, and marches via Shasta and Yreka.

The arrangements heretofore ordered in regard to medical officers, transportation, forage, and subsistence will be carried out.

By command of Brigadier-General Canby:

SAM'L BRECK,
Assistant Adjutant-General.

[Special Orders No. 11.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, January 20, 1873.

Company G, Twelfth Infantry, now at Angel Island, California, will join the batteries of the Fourth Artillery, now under orders to report to Lieut. Col. F. Wheaton, Twenty-first Infantry, commanding District of the Lakes, at the Oakland Wharf, to-morrow morning.

The subsistence department will provide the additional subsistence necessary for the command *en route* and at Yreka, and the quartermaster's department will furnish the necessary transportation.

The post commanders will see that the company is properly armed

and equipped, and provided with shelter-tents, two hundred rounds of reliable ammunition per man, and three days' cooked rations.

By command of Brigadier-General Canby:

SAM'L BRECK,
Assistant Adjutant General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 13.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, January 20, 1873.

Company E, Twelfth Infantry, (Captain Parker's,) with Lieutenants Wright and Kingsbury, will proceed, without delay, to report for duty to Lieut. Col. F. Wheaton, Twenty-first Infantry, commanding District of the Lakes, now in the field on the west side of Link River, Jackson County, Oregon.

The post commander will see that the company is provided with ammunition, the necessary subsistence, shelter-tents, and in as light marching order as is consistent with efficiency. The route taken will be, if practicable, via Salmon River and Scott River Valleys to Yreka, and follow the other troops ordered up from San Francisco. Subsistence supplies and ammunition will be at Yreka. If this route is not practicable, and no other in this direction, then the company will go via Eureka, San Francisco, Marysville, and Redding. The necessary pack-animals, with one guide and one packer, may be hired.

The chief commissary of subsistence of the department will provide 1,600 rations for this command at Yreka, and 10,000 rounds of ammunition will also be provided at that place for this command.

By command of Brigadier-General Canby:

SAM'L BRECK,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 11.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 20, 1873.

1. First Lieuts. Edward R. Theller and William L. Sherwood, with all the effective men of Company I, Twenty-first Infantry, will proceed as rapidly as possible to the vicinity of Linkville, Oreg., reporting to the commanding officer, District of the Lakes.

The staff departments will furnish the necessary transportation and supplies.

2. Capt. Marcus P. Miller, Fourth Artillery, with the effective strength of Battery E, will proceed, via Portland, as rapidly as possible to the vicinity of Linkville, Oreg., reporting to the commanding officer, District of the Lakes.

Captain Miller will see that his battery is fully equipped, and will take two hundred rounds of ammunition.

The staff departments will furnish the necessary transportation and supplies.

3. The commanding officer, Fort Cape Disappointment, will send a detachment of his battery to Fort Stevens to relieve temporarily Battery E, ordered into the field.

Until First Lieut. Samuel R. Jones joins, Capt. Smith will be responsible for the public property at Fort Stevens, and will receipt for it to the officers now in charge.

4. The commanding officer, Vancouver arsenal, will invoice to the ordnance officer, District of the Lakes, for the troops in the field operating against the Modoc Indians, the following ordnance stores, and transfer the stores to the commanding officer, Company I, Twenty-first Infantry, for transportation to Linkville, Oreg., or its vicinity, viz:

Twenty thousand (20,000) rounds center-primed metallic cartridges, caliber .50; five thousand (5,000) rounds cartridges for Spencer carbine, and two thousand (2,000) rounds cartridges, caliber .44, for Remington and Colt's revolving pistols.

5. The commanding officer, Vancouver arsenal, will invoice to Capt. Marcus P. Miller, Fourth Artillery, commanding Battery E, Fourth Artillery, the following ordnance stores, and transfer the stores to the Quartermaster's Department for transportation to Portland, Oreg., viz:

Twelve thousand (12,000) rounds center-primed metallic cartridges, calber .50.

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 14.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 21, 1873.

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1. Batteries A and M, Fourth Artillery, and Companies E and G, Twelfth Infantry, ordered via Yreka to the Modoc country in the Department of the Columbia, will report for orders to Lieut. Col. Frank Wheaton, Twenty-first Infantry, commanding officer, District of the Lakes. Supplies required by these companies will be furnished from the division depots.

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By order of Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WM. M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 16.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 23, 1873.

1. Colonel Alvan C. Gillem, First Cavalry, is hereby assigned to the command of the troops in the Modoc country, and will proceed without delay to the headquarters of those troops, reporting by letter to the commanding officer of the Department of the Columbia.

By order of Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WM. M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 23.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., February 3, 1873.

1. First Lieutenant Henry N. Moss, First Cavalry, joining his company in the Modoc country, from leave, will conduct to the command of Colonel Gillem the enlisted men at the Presidio, and at Angel Island, and Benicia Barracks, for Battery E, Fourth Artillery, Companies B and I, Twenty-First Infantry, and Troops B, H, and K, First Cavalry.

These men will be armed, equipped, supplied with two hundred rounds of ammunition per man and with shelter-tents, for service in the field.

Three days' cooked rations will be furnished from their posts and ten days' from the depot.

The Quartermaster's Department will furnish the necessary transportation, by rail and stage, as far as Yreka.

By order of Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WM. M. WHERRY,
Acting Assistant Adjutant-General.

[General Orders No. 2.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., March 4, 1873.

Colonel Alvan C. Gillem, First Cavalry, having reported to the department commander, in compliance with Special Orders No. 16, current series, from division headquarters, is assigned, from the 8th ultimo, to the command of the troops operating in the Modoc country, including the District of the Lakes as extended in paragraph 1, Special Orders, No. 112, series of 1872, and any sub-depots that have been or may be established for the supply of the troops in the field.

By command of Brigadier-General Canby:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, Aid-de-Camp.

[Special Orders No. 43.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., March 11, 1873.

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3. The commanding officer, Benicia barracks, will arm and equip for field-service the recruits necessary to fill up companies B, F, G, H, and K, of the First Cavalry serving in the Modoc country, and will dispatch them via Sacramento to Redding on the 14th instant, in charge of Second Lieutenant John Simpson, Fourth Artillery.

The detachment will be furnished with three days' cooked rations, and ten days' rations in bulk.

The Quartermaster's Department will furnish the necessary transportation.

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By order of Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 47.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., March 18, 1873.

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4. The guard at the quartermaster's depot, Yerba Buena Island will be reduced to one sergeant, one corporal, and ten men, detailed from the Fourth Artillery.

First Lieutenant Albion Howe, Battery A, Fourth Artillery, in command of Battery K, of his regiment, will proceed to the Modoc country without delay, reporting to Colonel Gillem. The battery will be equipped for field-service; shelter-tents and two hundred rounds of ammunition per man, cooked rations for three days, and ten days' rations in bulk, will be issued to the battery. The commanding officer of the Modoc expedition is authorized to attach this battery to Battery A, for temporary duty, if he deems it advisable.

Second Lieutenant George M. Harris, Battery K, will join his command so soon as released from court-martial duty.

The Quartermaster's Department will furnish the necessary transportation.

By order Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

[General Orders No. 2*a*.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Van Bremer's Ranch, Cal., March 19, 1873.

The orders heretofore given by the commanding officers for procuring supplies required by the troops engaged in operations against the Modoc

Indians by open purchase are confirmed, and in future when the public exigencies require such purchase to be made, the order will be given by the senior commander, who will direct the manner and place of purchase. The commanders of the several detachments will see that timely estimates are submitted for the supplies required by their commands.

Estimates for funds for subordinate commands will be limited to the monthly current expenses for each, as prescribed by Division Orders, No. 13 of 1871. All other disbursements will be made by the district disbursing officer, to whom the vouchers will be sent after they have been examined and approved by the immediate commander.

By command of Brigadier-General Canby:

H. R. ANDERSON,
Second Lieutenant Fourth Artillery,
Aide-d-Camp, Acting Assistant Adjutant-General.

Official:

LOUIS V. CAZIARC,
Aid-de-Camp.

[Special Orders No. 49.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., March 20, 1873.

1. Acting Assistant-Surgeon B. Semig, United States Army, will report to-day to First Lieut. Albion Howe, Fourth Artillery, as medical officer of his command, which he will accompany to the Modoc country. If the services of this officer are not required by the commanding officer of the Modoc expedition, he will return to these headquarters and report for orders.

By order of Brigadier-General Canby:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 44.—Extract.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, April 13, 1873.

1. Light Battery B, Captain Hasbrouck, Fourth Artillery, now at the Presidio, will be at once put in readiness for immediate field-service against the Modoc Indians.

The battery will be mounted and equipped as cavalry, and prepared to move in light marching order, with two hundred rounds of reliable ammunition per man, fifteen days' rations, and shelter-tents—the baggage being arranged for pack-animals.

The post commander at the Presidio will see that everything is in readiness for this battery to move, as soon as notified, by rail to Redding, and to march from that place as hereafter instructed.

2. Battery G, Fourth Artillery, Captain Mendenhall, now at Point San

José, California, will be at once put in readiness for immediate field-service against the Modoc Indians.

The battery will be as lightly equipped as is consistent with efficiency, (the baggage being arranged for pack-animals,) taking two hundred rounds of ammunition per man, fifteen days' rations and shelter-tents, and be ready to move, as soon as notified, by rail to Redding, and to march from that place as hereafter instructed. Light Battery B and battery G will form one command, under the senior officer, and Captain Mendenhall, Fourth Artillery, will designate an officer to perform the duties of acting assistant quartermaster and assistant commissary of subsistence for the command.

3. The chief quartermaster of the department will see that the necessary funds, forage, and transportation, and the chief commissary of subsistence of the department that the necessary funds and subsistence are in readiness to make the above movements as rapidly as possible.

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By command of Major-General Schofield:

SAMUEL BRECK,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[General Orders No. 6.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., April 14, 1873.

It is with extreme sorrow that the division commander announces the death of one of our most honored and beloved comrades, Brig. Gen. Edward R. S. Canby, commanding the Department of the Columbia.

General Canby and his associates the peace commissioners were, on the 11th instant, making a last humane effort to avert further hostilities with the Modocs, when they were treacherously assaulted by the Indian chiefs. General Canby and the Rev. Dr. Thomas were killed, and Mr. Meacham dangerously wounded. Lieut. William L. Sherwood, Twenty-first Infantry, was at the same time treacherously shot and seriously wounded while answering a flag of truce.

Upon the arrival of the remains of General Canby in Portland, Oregon, appropriate funeral honors will be paid, under the direction of Bvt. Maj. Gen. Robert S. Granger, colonel Twenty-first Infantry. All officers and troops on duty in and near San Francisco will join in the escort of the remains of the illustrious dead when they pass through San Francisco to their final resting-place.

As a mark of respect to the memory of the Christian patriot, the Rev. Dr. Thomas, who at the call of the Government lost his life in the cause of peace and humanity in company with our deceased comrade, his funeral will be attended by all the officers of the division and department staffs.

By order of Major General Schofield:

J. C. KELTON,
Assistant Adjutant-General.

[Special Orders No. 45.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA.
San Francisco, April 17, 1873.

The movements for which Light Battery B and Battery G, Fourth Artillery, and Assistant Surgeon Bentley, were ordered to be in readiness, by Special Orders, No. 44, current series, from these headquarters, will take place at once. The steamer McPherson will be at Point San José Landing at 2.30 a. m. to-morrow morning, to take Battery G to the Oakland wharf, where the command will embark en route to its destination. This steamer will also touch at Yerba Buena Island, to take up all the enlisted men of the depot guard, who have heretofore been directed to be in readiness to go with this battery.

Light Battery B, with its horses, will embark on the Oakland ferryboat in this city, taking the boat leaving at 1 o'clock to-night.

By command of Major-General Schofield:

SAM'L BRECK,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 47.—Extract.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, April 19, 1873.

1. The following telegraphic order of to-day is announced:

Captain Henry Wagner, First Cavalry, commanding Camp McDermit, Nevada, will move out at once with fifty men of his troop (C, First Cavalry,) to observe the Stein Mountain Indians, and collect information in regard to Indians.

The post will be left in charge of Lieutenant Knox, First Cavalry, and the remaining men, including the last recruits. Communication with the post will be kept up daily, and Lieutenant Knox will be directed to report daily by telegraph to these headquarters.

Another interpreter, beside the one now on duty at the post, will be employed, if necessary.

2. The following telegraphic order of to-day is announced:

Captain John Mendenhall, Fourth Artillery, commanding detachment Fourth Artillery, now at Redding, California, will move his command on the road to Fort Crook as far as practicable to-day, moving as rapidly as possible, to intercept the Modoc Indians, supposed to be bound to the Pitt River country. A mounted man will be left at Redding to carry any dispatches that may arrive there for him from Colonel Gillem or these headquarters. Arrangements will be made for daily communication with Redding. The employment of such guides and scouts (whites or Indians) as Captain Mendenhall may require for his command, is authorized.

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By command of Major General Schofield:

SAM'L BRECK,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Acting Assistant Adjutant-General.

[Special Orders No. 69.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., April 22, 1873.

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3. Captain Garrett J. Lydecker, Engineer Corps, will proceed without delay to the lava-beds, where the recent conflicts with the Modocs have taken place, making an itinerary of the route from Redding. He will make a reconnaissance and sketch the scene of hostilities, and the country in the vicinity. The commanding officer of the Modoc expedition will afford all facilities for the performance of this duty. Upon completing which, Captain Lydecker will report to these headquarters by telegraph for instructions.

Captain Lydecker is authorized to take with him a draughtsman for whom the quartermaster's department will furnish the necessary transportation.

By order of Major General Scofield:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WILLIAM M. WHERRY,
Aid-de-Camp.

[Memorandum.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 25, 1873.

That timely information may be received at department headquarters of any unusual movements or hostile demonstrations upon the part of Indians, until further orders the commanding officers of Forts Colville, Lapwai, and Klamath, and Camps Harney and Warner, will forward reports weekly, oftener should circumstances render it necessary, to the assistant adjutant-general, of any changes in the attitude toward the Government of Indians in their vicinity. These reports should be full and authentic. Duplicates of the reports from Klamath, Harney, and Warner will be sent to the commanding officer, District of the Lakes.

Receipt of these instructions will be promptly acknowledged.

By order of Major-General Scofield:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

E. R. ANDERSON,
Aid-de-Camp.

[Special Orders No. 59 *a*.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
In the Field, May 21, 1873.

1. The Modocs having during the recent operations been beaten and driven from their strongholds, and having dispersed into small scattered bands, the pursuit and capture of the fugitives is now to be the immediate work of the troops. This duty will especially devolve upon the mounted troops, who will be called on to operate in small detachments, moving rapidly, vigorously, and frequently independently from each other.

The operations of the foot-troops must be made to conform to the new order of things. The conduct of affairs therefore can more conveniently be carried on under the immediate orders of the department commander while on the spot, than under those of a special commander of the expedition. Colonel A. C. Gillem is therefore relieved from duty with this command, and will proceed to the headquarters of his regiment at Benicia barracks, California, with a view of his assuming command of, and preparing for the field, the five troops of the 1st Cavalry now *en route* from Arizona.

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By command of Colonel Jeff. C. Davis:

E. V. SUMNER,
Captain 1st Cavalry, Aid-de-Camp.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 98.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., May 30, 1873.

1. The commanding officer Angel Island, will send to their companies in the Modoc country, on the 2d proximo, in charge of Lieut. John Lafferty, Eighth Cavalry, via Yreka, all enlisted men at his post of Company G, Twelfth Infantry, awaiting orders, of E Company, Twelfth Infantry, and B, C and I Companies, Twenty-first Infantry.

The commanding officer, Presidio, will send to their companies in the Modoc country, on the 2d proximo, in charge of Lieut. John Lafferty, Eighth Cavalry, via Yreka, all enlisted men at his post, of companies serving in the Modoc expedition.

These detachments will be armed and equipped, supplied with shelter-tents and other necessary camp and garrison equipage. Five thousand rounds of ammunition will be sent, unissued, with the detachment from Angel Island.

The quartermaster's department will furnish the necessary transportation.

By order of Major-General Schofield:

J. C. KELTON,
Assistant Adjutant-General.

Official:

WM. M. WHERRY,
Aid-de-Camp.

[Special Orders No. 110.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC.
San Francisco, Cal., June 16, 1873.

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2. Troop K, First Cavalry, in the Modoc country, is hereby assigned to duty in the Department of the Columbia, and will receive orders from the department commander.

Companies A, B, G, K, and M, Fourth Artillery, and E and G, Twelfth Infantry, now in the Modoc country, belonging to the Department of

California, will be returned to their stations so soon as their services can be spared; Company G, Twelfth Infantry, to be retained so long as required as a guard to Indian prisoners, or on other duty in connection with the closing up of the Modoc expedition.

By order of Major-General Schofield:

J. C. KELTON,
Assistant Adjutant General.

Official:

WM. M. WHERRY,
Aid-de-Camp.

[General Orders No. 14.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
In the field, Fort Klamath, Oreg., June 20, 1873.

To the troops composing the Modoc expedition:

It is with great satisfaction the department commander publishes for your information the following dispatches from the President of the United States, Secretary of War, General of the Army, and commanding officer, Division of the Pacific:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 5, 1873.

Colonel J. C. DAVIS, U. S. A.,
Applegate's Ranch, California:

The Secretary of War directs me to express the President's and his own appreciation of your services and the labors of your officers and men in the Modoc campaign.

E. D. TOWNSEND,
Adjutant-General U. S. Army.

OFFICE GENERAL OF THE ARMY,
Washington, D. C., June 5, 1873.

Major General J. M. SCHOFIELD, U. S. A.,
Commanding Division of the Pacific, San Francisco, Cal.:

GENERAL:

* * * * * * * * *

Assure General Davis and the troops that their labors are fully appreciated at headquarters.

W. T. SHERMAN,
General U. S. Army.

HEADQUARTERS DIVISION OF THE PACIFIC,
San Francisco, Cal., June 5, 1873.

General JEFF. C. DAVIS,
Commanding Department and Troops, Tule Lake, California:

GENERAL: I send you General Sherman's reply, to which I add my most hearty congratulations and thanks to you and your troops.

J. M. SCHOFIELD,
Major-General U. S. Army, Commanding Division of the Pacific.

In addition to the above congratulations, it is with great satisfaction the general commanding the department announces to the troops the termination of the Modoc war, so far as hostility is concerned. The Modoc Indians, who have so long baffled your skill while in the strong position occupied by them in the lava-beds, have by your courage and endurance at last been captured, and nearly every member of that once powerful and warlike band, which has for years been the terror of the

people of Southern Oregon, is at present a prisoner in your hands, awaiting trial by the proper tribunal for the crimes he has committed. For your service in the late campaign the department commander extends his thanks and congratulations.

By command of Colonel Jeff. C. Davis:

W. H. BOYLE,
First Lieut. Twenty-first Infantry, A. A. A. G.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Field Orders No. 1.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA.
In the field, Fort Klamath, Oreg., June 30, 1873.

A military commission is hereby appointed to meet at Fort Klamath, Oregon, on Tuesday, July the 1st, 1873, at 10 o'clock a. m., or as soon thereafter as practicable, for the trial of the Modoc chief known as Captain Jack, and such other Indian captives as may be properly brought before it.

DETAIL FOR THE COMMISSION.

Lieut. Col. Washington L. Elliott, First Cavalry.
Capt. John Mendenhall, Fourth Artillery.
Capt. Henry C. Hasbrouck, Fourth Artillery.
Capt. Robert Pollock, Twenty-first Infantry.
Second Lieut. George W. Kingsbury, Twelfth Infantry.

Maj. H. P. Curtis, judge-advocate, U. S. A., is appointed judge-advocate of the commission.

No other officers than those named can be assembled without manifest injury to the service.

Should any of the officers named in the detail be unable to attend, the commission will nevertheless proceed to and continue the business before it, provided the number present be not less than the minimum prescribed by law.

The commission will sit without regard to hours.

JEFF. C. DAVIS,
Col. Twenty-third Infantry, Bvt. Maj. Gen. Com'd'g.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 79.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA.
In the field, Fort Klamath, Oreg., June 30, 1873.

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2. During the session of the military commission for the trial of the Modoc Indians, ordered to convene at Fort Klamath, Oregon, the commanding officer of said post will procure suitable rooms for the commission to meet, and furnish mounted detachments, orderlies, couriers,

and such transportation as may be required for the purpose of transporting the military mail, witnesses, and officers traveling on duty between this place and Ashland, Oregon, or in the vicinity of this post.

He will see that the Modoc prisoners are securely guarded, and held subject to the orders of the military commission.

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By command of Colonel Jeff. C. Davis:

W. H. BOYLE,
First Lieut. Twenty-first Infantry, A. A. A. G.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

[Special Orders No. 100.—Extract.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., August 5, 1873.

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2. Special Order No. 70, current series, District of the Lakes, Fort Klamath, authorizing the post quartermaster to issue to the Modoc Indian prisoners, now in confinement at that post, such small quantities of clothing as can be spared from the supply on hand, to prevent unusual suffering among them—damaged clothing to be issued if practicable—is confirmed.

By command of Brevet Major-General Jeff. C. Davis:

H. CLAY WOOD,
Assistant Adjutant-General.

Official:

H. CLAY WOOD,
Assistant Adjutant-General.

PROCEEDINGS OF A MILITARY COMMISSION

CONVENED AT

FORT KLAMATH, OREGON,

FOR THE

TRIAL OF MODOC PRISONERS.

LIEUT. COL. W. L. ELLIOTT, PRESIDENT.
MAJOR H. P. CURTIS, JUDGE-ADVOCATE.

JULY, 1873.

OFFICIAL COPY OF THE TRIAL OF THE MODOC INDIANS.

J. HOLT,
Judge-Advocate General.

PROCEEDINGS OF A MILITARY COMMISSION.

Proceedings of a Military Commission convened at Fort Klamath, Oregon, by virtue of the following order:

[Special Field Orders No. 1.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
"In the field" Fort Klamath, Oregon, June 30, 1873.

A Military Commission is hereby appointed to meet at Fort Klamath, Oregon, on Tuesday, July 1, 1873, at 10 o'clock a. m., or as soon thereafter as practicable, for the trial of the Modoc chief known as Captain Jack, and such other Indian captives as may be properly brought before it.

Detail for the commission.—Lieut. Col. Washington L. Elliott, First Cavalry; Capt. John Mendenhall, Fourth Artillery; Capt. Henry C. Hasbrouck, Fourth Artillery; Capt. Robert Pollock, Twenty-first Infantry; Second Lieut. George W. Kingsbury, Twelfth Infantry.

Maj. H. P. Curtis, Judge-Advocate U. S. A., is appointed Judge-Advocate of the commission.

No other officers than those named can be assembled without manifest injury to the service. Should any of the officers named in the detail be unable to attend, the commission will nevertheless proceed to, and continue the business before it, provided the number present be not less than the minimum prescribed by law. The commission will sit without regard to hours.

JEF. C. DAVIS,
Brevet Major-General Commanding.

FORT KLAMATH, OREGON,
July 1, 1873—10 o'clock a. m.

The commission met pursuant to the foregoing order.

Present, Lieut. Col. Washington L. Elliott, First Cavalry; Capt. John Mendenhall, Fourth Artillery; Capt. Henry C. Hasbrouck, Fourth Artillery; Capt. Robert Pollock, Twenty-first Infantry; Second Lieut. George Kingsbury, Twelfth Infantry; Maj. H. P. Curtis, Judge-Advocate.

The judge-advocate then stated to the commission that in consequence of the brief period of time he had had since arriving at the post he had been unable to prepare a case; and suggested an adjournment for some days. The commission thereupon decided to adjourn until Saturday next, the 5th instant, at 10 o'clock a. m.

Adjourned at 10½ a. m.

H. P. CURTIS,
Judge-Advocate Commission.

SECOND DAY.

FORT KLAMATH, *July* 5, 1873.

The commission met at 10 a. m., pursuant to adjournment.

Present, all of the members of the commission, the judge-advocate, and prisoners.

The proceedings of the last meeting were read and approved.

The judge-advocate then read before the commission the order convening the commission, (see page 1 of this record,) which is interpreted to the prisoners.

The commission then proceeded to the trial of the prisoners: Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, (*alias* One-Eyed Jim,) and Sloluck, Modoc Indian captives, who being called before the commission, and having heard the order convening it read, it being interpreted to them, were severally asked if they had any objection to any member present named in the order, to which they severally replied in the negative.

The members of the commission were then duly sworn by the judge-advocate; and the judge-advocate was then duly sworn by the president of the commission; all of which oaths were administered and interpreted in the presence of the prisoners.

The judge-advocate asked the authority of the commission to employ T. F. Riddle and wife as interpreters at $10 a day, which authority was given by the commission.

T. F. Riddle and wife (Toby) were then duly sworn to the faithful performance of their duty in the interpretation of the evidence and proceedings as required, in the presence of the prisoners, which oath was interpreted to the prisoners.

The judge-advocate then presented to the commission E. S. Belden, the official short-hand reporter, who was then duly sworn to the faithful performance of his duty; which oath was duly interpreted to the prisoners.

The prisoners were then severally asked by the judge-advocate if they desired to introduce counsel; to which they severally replied in the negative; and that they had been unable to procure any.

The prisoners were then severally duly arraigned on the following charges and specifications:

Charges and specifications preferred against certain Modoc Indians commonly known and called as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok.

CHARGE 1. "Murder, in violation of the laws of war."

Specification 1. "In this, that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One-Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding the Department of the Columbia, and certain peace commissioners on the part of the said United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease, and did thereupon, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by said truce under the laws of war, willfully, feloniously, and of malice aforethought, kill and murder said Brigadier-General Canby.

"All this at or near the lava-beds, so-called, situated near Tule Lake, in the State of California, on or about the 11th day of April, A. D. 1873."

Specification 2. "In this, that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One-Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet under a flag of truce and suspension of hostilities Brig. Gen. E. R. S. Canby, U. S. A., commanding Military Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said bands should cease, and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce, under the laws of war, willfully, feloniously, and of their malice aforethought, kill and murder said Eleazur Thomas, one of the peace commissioners aforesaid.

"All this at or near the lava-beds, so-called, situated near Tule Lake, in the State of California, on or about the 11th day of April, A. D. 1873."

CHARGE 2. "Assault with intent to kill, in violation of the laws of war."

Specification 1. "In this, that they, Indians, called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding the Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said A. B. Meacham, then and there feloniously, willfully, and of malice aforethought to kill and murder, and did inflict upon the body of the said Meacham divers severe and dangerous wounds.

"All this at or near the lava-beds, so-called, situated near Tule Lake, in the State of California, on or about the 11th day of April, A. D. 1873."

Specification 2. "In this, that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States under the chief command of said Captain Jack, did, as representatives of said Modoc band,

meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did then and there, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said Dyer, commissioner as aforesaid, with an intent him, said Dyer, then and there feloniously, willfully, and of their malice aforethought to kill and murder.

"All this at or near the lava-beds, so-called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

To which the prisoners severally pleaded as follows:

To first specification, first charge, "Not guilty."

To second specification, first charge, "Not guilty."

To first charge, "Not guilty."

To first specification, second charge, "Not guilty."

To second specification, second charge, "Not guilty."

To second charge, "Not guilty."

T. F. RIDDLE, a citizen and witness for the prosecution, being duly sworn by the judge-advocate, testified as follows:

Question by judge-advocate. Were you present at the meeting of the commissioners and General Canby, referred to in the charges and specifications just read?—Answer. Yes, sir.

Q. On what day was it?—A. On the 11th of April, I believe, as near as I can recollect.

Q. Were the prisoners at the bar present on that occasion?—A. Yes, sir.

Q. You identify them all?—A. Yes, sir; I identify all but Barncho and Sloluck. I saw them, but I didn't know them. They were some 75 yards behind me; they came up behind.

Q. Is Captain Jack the principal man in this Modoc band?—A. Yes, sir.

Q. What is he? Describe him.—A. He is a chief amongst them. He has been a chief since 1861, I believe.

Q. What position did Schonchis hold among the Modocs?—A. I never knew him to be anything more than just a common man amongst them until, within the last year, he has been classed as Captain Jack's sub-chief, I believe; they call it a "Sergeant."

Q. Black Jim?—A. He has been classed as one of his watchmen, they call them.

Q. Boston Charley?—A. He is nothing more than a high private.

Q. Barncho?—A. He is not anything.

Q. Sloluck?—A. He is not anything.

Q. Are they all Modocs?—A. Yes, sir; they are classed as Modocs, one of them is a Rock Indian, or a "Combaterash."

Q. Were they all present at this meeting of the 11th of April?—A. Yes, sir. Barncho and Sloluck was not in the council. They came up after the firing commenced.

Q. What connection did you have with the peace commissioners from the beginning?—A. I was employed by General Gillem to interpret, and then from that I was turned over to the peace commissioners; but I acted as interpreter all of the time—all through their councils.

Q. Did you ever receive any information which led you to suppose it was a dangerous matter for the commissioners to interview these men?—A. Yes, sir; the first that I learned was when I stopped at Fairchild's. They agreed to meet the wagons out between Little Klamath and the lava-bed, and all of them come in, women and children. They said Captain Jack sent word that if General Canby would send his wagons out there, they would send his women and children in.

Q. Were you present at the killing of General Canby and Mr. Meacham?—A. Yes, sir.

Q. Had you received any information which led you to think that it was dangerous?—A. Yes, sir, I had; my woman, some week or ten days before that, went to carry a message into Jack's cave where he was living, and there was an Indian called William—he followed her after she started from home back to camp, he followed her out.

Q. How do you know this?—A. My woman told me.

Q. In consequence of some information which you received, what did you then do? Did you speak to the commissioners about it?—A. Yes, sir; I told them I received information, and then I went to the peace commissioners and told them it was dangerous to go out there any more to meet them, and I advised them not to go. While I was at Fairchild's, this Hooka Jim, he came there and took me out one side and told me, "If you ever come with them peace commissioners to meet us any more and I come to you and push you to one side, you stand back one side and we won't hurt you, but will murder them."

Q. Do I understand you to say you then cautioned the commissioners?—A. Yes; I told them of it.

Q. What did you say?—A. I told them what Hooka Jim told me; and I said I didn't think it was of any use to try to make peace with those Indians without going to the lava-beds, right where they were. I said, "I think the best way, if you want to make peace with them, is to give them a good licking, and then make peace."

Q. Did you tell them what Hooka Jim said?—A. Yes, sir; and at another time, I believe it was the very next time after we were out in the lava-beds—after General Gillem had moved over to the lava-beds—we met, and Hooka Jim came to me after we got to the ground where we were to hold our council, and he took hold of me and said, "You come out here and sit down;" and he pushed me as he said he would. I said "No."

Q. When was this?—A. I don't remember the date; it was some time in March.

A. The first or second meeting?—A. The first meeting after Hooka Jim had told me this at Fairchild's.

Q. Were they the same, or other commissioners?—A. It was General Canby, Dr. Thomas, and Mr. Dyer, and Judge Rosbourgh, I believe, was along, if I am not mistaken; I won't be positive. Hooka Jim came to me and caught hold of me, and pushed me one side, and said, "You stand out here." I told him "No;" that I had to go and talk and interpret for them; and my woman here spoke up to him to behave himself, and not go doing anything while he was there; and he then said, "Well, go and sit down."

Q. Did you visit the lava-beds before the massacre; and, if so, did you go alone, or with some one else?—A. The first time I went in there was with Squire Steele. Fairchild ——

Q. (Interrupting.) Very shortly before the massacre, did you?—A. Well, I was in there.

Q. State why you went in there.—A. I was in there on the 10th of

April. My woman and me went in there, and took a written message in there from the peace commissioners. I read and interpreted it to Captain Jack, and I told him then, after I interpreted it to him, that I gave him a notice; and I told him to bring it the next day when he met the commissioners, to bring it with him. He threw it on the ground, and he said he was no white man; he could not read, and had no use for it. He would meet the commissioners close to his camp—about a mile beyond what they called the peace-tent. He said he would meet them there and nowhere else.

Q. A mile nearer the lava-beds than the peace-tent?—A. Yes; he said that was all he had to say then. I could hear them talking around, and sort of making light of the peace commissioners—as much as to say they didn't care for them.

Q. What was the tenor of this message you say you read?—A. It was a statement that they wished to hold a council with them at the peace-tent next day, to have a permanent settlement of the difficulties between the whites and the Indians; they wanted to make peace, and move them off to some warm climate, where they could live like white people.

Q. Where is that note you carried?—A. It is lost.

Q. Did Captain Jack say anything about arms in reference to the meeting?—A. Yes, sir; he said he would meet them five men without arms, and he would do the same—he would not take any arms with him.

Q. That he would meet them at the place he fixed—one mile nearer the lava-beds?—A. Yes, sir; one mile nearer the lava-beds.

Q. Five men, without arms, and he would also go without arms?—A. Yes, sir.

The COURT. Five, including himself?—A. Yes, sir.

The JUDGE-ADVOCATE. What did he say about the proposition to move him from the lava-beds?—A. He said he knew no other country only this, and he did not want to leave it.

Q. Did he say anything about a desire for peace?—A. Yes; he said if they would move the soldiers all away he would make peace then, and live right there where he was, and would not pester anybody else; he would live peacably there.

Q. Was Captain Jack alone in this interview when you talked with him?—A. No, sir; these other men were around with him, sitting down.

Q. These prisoners here now?—A. Some of them.

Q. Did he do all or only a part of the talking?—A. That evening he done all of the talking—that is, he was the only one that had anything to say to me in regard to this affair.

Q. Did you see anything there which led you to suppose that they intended hostilities?—A. Yes, sir; I did; I saw that they had forted up all around his cave.

Q. Did they seem to be well provisioned?—A. They had just been killing several beeves there that day.

Q. Which of these men were there at the time?—A. Boston was there—most all of these that are here.

Q. Can't you name them?—A. There was Boston, Black Jim was there, and Barncho; I don't remember whether Schonchis was there or not at the time the conversation was going on.

Q. Did you go back to the commissioners then?—A. Yes, sir.

Q. State the facts about it. State what followed after your return to the commissioners?—A. I went back and went into the peace commissioners' tent with Jack's message that he would meet them five unarmed, and he would do the same; he would have five men with himself, and

go without arms; and I told him they were forted all around there, and they had been killing beef; and I thought it was useless to try to make peace any longer; and if Captain Jack would not agree to meet at the tent, and if I were in their places I would not meet them any more.

Q. What did the commissioners then reply or decide upon? What decision did they come to?—A. They held a council between themselves. I was not at their council.

Q. Was your visit the day before the assassination?—A. Yes, sir; I seen General Canby that evening; and I told him I had a proposition to make to him. He was out, and I met him, and he wanted to know what it was; I told him that if I was in his place, if I calculated on meeting them Indians, I would send twenty-five or thirty men near the place were I expected to hold the council, to secrete themselves in the rocks there; that they would stand a good show to catch them, if they undertook to do anything that was wrong. General Canby said that that would be too much of an insult to Captain Jack; that if they knew of that they *might* do an injury then; he would not do that.

Q. Did you hear him say that?—A. Yes.

Q. Did they determine to meet him, or not?—A. They sent to me the next morning, then, to come down to the peace commissioners' tent.

Q. Was Captain Jack informed that they would not go to that place one mile nearer?—A. Yes, sir; Bogus Charley went in that evening before the murder, right ahead of me, into General Gillem's camp and staid all night. He staid at my camp, and the next morning the peace commissioners decided that they would not meet Captain Jack in this place where he wanted to meet them, and sent a message out by Bogus and Boston for them to meet him at the peace commissioners' tent, the peace tent, and they were gone about an hour; and they came back again and said that Captain Jack was there with five men.

Q. (Interrupting.) You heard it?—A. Yes.

Q. Jack was to meet them where; he was where?—A. He was at the peace-tent.

Q. Captain Jack sent back a message then by Bogus and Boston that he would meet them at the peace-tent with five men?—A. Yes, sir; but they were not armed, and he wanted the peace commissioners to go without arms.

Q. He sent that message, and you heard it?—A. Yes, sir.

Q. What advice, if any, did you then give the commissioners?—A. My woman and me went down to the peace commissioners' tent and she went to Mr. Meacham; I saw her myself at the first, though I told him not to meet them.

Q. Were you at the peace commissioners' tent when you gave them this advice?—A. The peace commissioners' tent in General Gillem's camp.

Q. Not the large peace-tent?—A. No; the peace commissioners' tent. He wanted to know why, and I told him they intended to murder them, and that they might do it that day if everything was not right; and my woman went and took hold of Mr. Meacham and told him not to go; and held on to him and cried. She said "Meacham, don't you go!"—I heard her say so myself—"for they might kill you to-day; they may kill all of you to-day;" and Dr. Thomas, he came up and told me that I ought to put my trust in God; that God Almighty would not let any such body of men be hurt that was on as good a mission as that. I told him at the time that he might trust in God, but that I didn't trust any in them Indians.

Q. Did any of the other commissioners make any reply?—A. Mr. Meacham said that he knew there was danger, and he believed me, every word I said, and he believed the woman, and so did Mr. Dyer. He said he believed it; and he said that he felt like he was going to his grave. I went then to General Canby and asked him if General Gillem was going out. He said "no." I said, I want your commissioners then to go to General Gillem's tent with me.

Q. Did they go?—A. Yes, sir.

Q. Was Toby with you?—A. No, sir; she was not with me then; she was standing holding her horse.

Q. State what occurred at General Gillem's tent.—A. We went down with Mr. Meacham, General Canby, Dyer, and Dr. Thomas; and General Canby walked down with us. General Canby did not go into the tent, but the other three went in; that is, Mr. Dyer, Meacham, and Dr. Thomas, and I went in to General Gillem and said, "General Gillem, these men are going out to hold council with them Indians to-day, and I don't believe it is safe. If there is anything happens to them, I don't want no blame laid on me hereafter, because I don't think it is safe for them to go, and after it is over I don't want nothing laid on me;" said I, "I am not much afraid of the Indians; but I willgo before I will be called a coward."

Q. State what followed then.—A. Well, before we got through the conversation there, General Gillem—that is, there was not anything more—and then General Gillem gave a big laugh, and said if the Indians done anything, that he would take care of them, and we started out, and General Canby and Dr. Thomas started on ahead; Mr. Meacham and he went to Toby, (my wife,) and asked her if she thought the Indians would kill him, and she said, "I have told you all I *can* tell you;" she said, "they may kill you to-day, and they may not."

Q. You heard this?—A. Yes. "But," says she, "don't go." By that time General Canby and Dr. Thomas had got some one hundred yards ahead of us. Bogus Charley walked out; General Canby and Dr. Thomas walked; Mr. Dyer, Meacham, and Toby rode horseback.

The COURT. Did Bogus Charley walk out with you?—A. Yes; him and me were behind.

The JUDGE ADVOCATE. Where was Boston Charley at this time?—A. If I am not mistaken, he was with General Canby and Dr. Thomas.

Q. Did you finally arrive at the peace-tent?—A. Yes, sir.

Q. And whom did you find there?—A. I found Captain Jack, Schonchis, and Black Jim, (Ellen's man,) who is dead, they say, Schacknasty Jim, and Hooka Jim.

Q. Were there any others?—A. There were no others; well, Boston, he went out with us, and Bogus Charley; there were eight of them there.

Q. Eight were there in the party?—A. In the council; yes, sir.

Q. What took place after you met these Modocs whom you have named—between the commissioners and they?—A. Well, we all sat down around a little fire we had there, built, I suppose, some 20 or 30 feet from the peace-tent. There was some sage-brush thrown on, and we were all sitting around the little fire, and General Canby gave them all a cigar apiece, and they all sat around there and smoked a few minutes, and then they went to talking; General Canby, I think, though I won't be certain, made the first speech, and told them that he had been dealing with the Indians for some thirty years, and he had come there to make peace with them and to talk good; and that whatever he promised to give them that he would see that they got; and if they would

come and go out with him, that he would take them to a good country, and fix them up so that they could live like white people.

Q. Did you interpret all of this to the Indians?—A. Yes, sir.

Q. So that they understood it?—A. Yes, my wife and me did together.

Q. Was that the summary of General Canby's speech?—A. That was about the substance of his speech, with the exception that he told them that he had a couple of Indian names; that he had taken Indians on to a reservation once before, and that they all liked him, and had given him a name.

Q. General Canby said that?—A. Yes. They sat and laughed about it. I disremember the name now.

Q. Do you know who spoke next?—A. Mr. Meacham spoke next, and he told them he had come there to make peace with them; that their Great Father from Washington had sent him there to make peace, and wipe out all of the blood that had been shed, and to take them to some country where they could have good homes, and be provided with blankets, food, and the like.

Q. That was Mr. Meacham's speech?—A. Yes, sir. Dr. Thomas, he said a few words. He said the Great Father had sent him there to make peace with them, and to wipe out all of the blood that had been shed, and not to have any more trouble, to move them out of this country here—that is the place where they were stopping.

Q. Mr. Riddle, do you know whether the lava-beds are in the State of California?—A. Yes, sir; it is. I could not be certain what the extent of it is; it may be possible a small portion of it is in Oregon.

Q. How near to the lava-beds was General Gillem's camp?—A. It was about two miles and a half from Jack's stronghold.

Q. How near to the lava-beds was the peace-tent?—A. It was right on the edge of it.

Q. What distance from General Gillem's quarters or camp?—A. I think about three-quarters of a mile.

Q. Did any Modocs reply to those speeches?—A. Captain Jack, he spoke.

Q. What did he say; can you remember?—A. Yes, I can recollect some of what he said. He said that he didn't want to leave this country here; that he knew no other country than this; that he didn't want to leave here; and that he had given up Lost River; and he asked for Cottonwood and Willow Creek; that is over near Fairchild's.

Q. Is Cottonwood Creek the same as Hot Creek?—A. They are two different creeks.

Q. What did he mean by giving up Lost River?—A. He said there was where the fight had taken place; and that he didn't want to have anything more to do there. He said he thought that was what the fight took place about—that country there; he said the whites wanted it.

Q. What fight do you refer to?—A. The first fight, where Major Jackson went down to bring them down on to the reservation; that was in November, 1872.

Q. Did Captain Jack demand Willow Creek and Cottonwood Creeks? A. Yes, sir.

Q. That is, the land around this place?—A. Yes.

Q. To live on?—A. Yes, sir; he wanted a reservation there.

Q. Then what was said, or what occurred?—A. Mr. Meacham, then he made another speech, and he told Captain Jack: "Jack, let us talk like men, and not like children," and he sort of hit him on the knee or shoulder—probably hit him on the shoulder once or twice, or tapped

him—he said, "Let us talk like men, and not talk like children." He said, "You are a man that has common sense; isn't there any other place that will do you except Willow Creek and Cottonwood?" And Mr. Meacham was speaking rather loud, and Schonchis told him to hush—told him in Indian to hush; that he could talk a straight talk; to let him talk. Just as Schonchis said that, Captain Jack rose up and stepped back, sort of in behind Dyer's horse. I was interpreting for Schonchis, and I was not noticing Jack. He stepped a few steps out to one side, and I seen him put his hand in his bosom like——

Q. (Interrupting) Did you perceive as soon as you got there that these men were armed?—A. Yes, sir; I did; I could see some of them were.

Q. In what way did you observe that?—A. I saw these sticking out of their clothes.

Q. You saw what?—A. They were revolvers.

Q. Did Captain Jack at this interview represent this band?—A. Yes, sir.

Q. And these other men listened and appeared to concur?—A. Yes, sir.

Q. Were they there as representatives of the band?—A. Yes, sir; I suppose they were.

Q. You say Captain Jack got up and went to the rear, and you saw him put his hand to his breast?—A. Yes, sir.

Q. What then occurred?—A. Well, he stepped back and came right up in front of General Canby, and said, in Indian, "All ready, boys"—At we—that is, "All ready," and the cap bursted, and before you could crack your finger he fired.

Q. You saw this?—A. Yes, sir; and after the cap bursted, before you could crack your finger, he fired and struck General Canby under the eye, and the ball came out here, (showing—in the neck, under the chin.) I jumped and ran then, and never stopped to look back any more. I saw General Canby fall over, and I expected he was killed, and I jumped and ran with all my might. I never looked back but once, and when I looked back Mr. Meacham was down and my woman was down, and there was an Indian standing over Mr. Meacham and another Indian standing over her, and some two or three coming up to Mr. Meacham. Mr. Meacham was sort of lying down this way, (showing,) and had one of his hands sticking out.

Q. You saw General Canby fall, you say?—A. Yes, sir.

Q. Did he continue to lie where he fell?—A. He was not when they found him; he was about thirty or forty yards from there. I did not see him get up.

Q. As soon as Captain Jack fired what then occurred?—A. They commenced firing all around. I could not tell who was firing except Schonchis here; I seen him firing at Mr. Meacham, but the others were kind of up in behind me, and they were firing, and I did not turn around to look to see who it was. I thought it was warm times there.

Q. Did any other Indians come up?—A. Just as the firing commenced I seen two Indians coming up packing their guns.

Q. What do you mean by "packing their guns?"—A. They were carrying them along in their arms.

Q. How many had each man?—A. I could not tell; it looked like they had some two or three apiece.

Q. Can you identify those men?—A. No, sir, I cannot. I did not stop to look to see who they were. I saw they were Indians.

Q. Did you see General Canby at any time afterward?—A. Yes, sir; I seen him that afternoon.

Q. In what condition was he?—A. He was laying in his tent, dead, with his clothing all taken off of him.

Q. Did you see the wounds?—A. I seen only one; yes, I seen two wounds.

Q. Did you see Dr. Thomas afterward?—A. Yes, sir.

Q. In what condition was he?—A. He was dead, and lying in his tent.

Q. Describe the wounds upon him.—A. I saw a wound in his head, and I don't recollect—he was kind of covered over—I don't recollect whether I seen any other wounds.

Q. You knew it to be his body?—A. Yes, sir.

Q. You recognized him?—Yes, sir.

Q. And you recognized General Canby?—A. Yes, sir.

Q. When you ran were you not pursued?—A. Yes, sir; there were three Indians running after me.

Q. How long was that after the first firing by Captain Jack?—A. It wasn't but a few seconds. I guess I must have got some—well, I didn't turn around to see who it was shooting at me. I could see the dust flying ahead of me from the bullets, and I did not turn around until I had come one hundred yards or more; then I just turned my head around and seen three, and just as I turned again one ball came by my ear here and grazed it a little.

Q. You cannot say who those men were that pursued you?—A. No, I cannot say only from hearsay.

Q. Did you see Mr. Meacham after the massacre?—A. Yes, sir.

Q. In what condition was he?—A. He was pretty badly wounded. He was shot some two or three times. He had a shot that went up across his nose like and came out here, (above and between the eyes.) He had one of his fingers shot about off, and a wound of one of his arms; I don't remember which.

Q. Was he in good health when he went to the meeting?—A. Yes, sir.

Q. He was not wounded?—A. No, sir; he was not wounded.

Q. Had you, during your abode with the commissioners, seen any hostilities between the United States forces and the Indian forces?—A. No, sir; I had not.

Q. Had there been a suspension of arms, then, while you were there?—A. Yes, sir.

Q. There was no fighting going on while you was there?—A. No, sir.

Q. How long were you there?—A. I went there the 11th of February, and I left there the 11th of May, I believe.

Q. Was there or not a flag sent out by Captain Jack, inviting this meeting?—A. There was no flag sent, just merely men came.

Q. Messengers were sent instead of a flag?—A. Yes, sir.

Q. I understood you to say it was Captain Jack himself who told you that they would go five in number, without arms?—A. Yes, sir.

Q. And that they expected the commissioners to do the same?—A. Yes, sir.

The judge-advocate then asked the prisoners severally if they desired to cross-examine the witness, to which they replied in the negative.

Question by the COURT: Did Bogus Charley or not infer to you that the peace commissioners were going to be killed that day?—A. No, sir; he did not.

Q. He did not repeat to you that he wished you to stand aside, then?—A. No, sir; he didn't that day. Bogus Charley never did.

Q. Didn't I understand you that Bogus Charley had told you that when he pushed you aside ——A. (Interrupting.) No, sir; Hooka Jim.

Q. You say that when Captain Jack went behind the horse he put his hand in his shirt this way, (showing,) and then he came back up before General Canby. Did you see a weapon in his hand?—A. I only saw him have his hand in his shirt-bosom.

Q. You didn't see him have a pistol?—A. No, sir; not until he jerked it out.

Q. Did you see the pistol in his hand at any time?—A. Yes; I seen it when the pistol snapped, and I seen it when he fired, and I seen General Canby fall.

Q. When General Canby was making his speech, and said that he had dwelt among the Indians for thirty years, did he use that term, "dwelt among the Indians," or that he had been among the Indians at different times, for some thirty years, as an officer?—A. That he had been—the way he spoke was, that he had been engaged in removing Indians from different places to reservations; that he had moved the Indians; that the Indians sort of liked him; that they hated to leave the country, but that he had removed them, and they all liked him afterward; that they all shook hands with him, and gave him a name. I disremember the name they gave him.

Q. You used the word "dwelt;" you now say he had "*been*" among the Indians in different countries acting in the capacity of an officer?—A. Yes, sir.

Question by judge-advocate. Mr. Riddle, was anything done by the commissioners, or any one or more of them, to give occasion for this attack upon them at the hands of the Indians?—A. No, sir; not that I know of.

Q. Did you see anything?—A. I saw nothing.

Q. So far as you saw, then, it was without justification?—A. Yes, sir; it was without justification.

Question by the COURT. I would like to inquire if Captain Jack is the only Indian at the bar of trial that you can actually identify now as having discharged a pistol or gun at the peace commissioners at the time.—A. Schonchis, here. I saw him shoot, because he was pretty nigh between Captain Jack and I.

Q. Captain Jack and Schonchis are the only two men you can speak positively of, of your own knowledge?—A. Yes, sir.

Question by the judge-advocate. Can you say what was the purpose of the peace commissioners in these meetings with the Indians?—A. Well, sir, it was to make peace with the Indians and remove them off to some distant reservation, to keep them from spilling more blood.

Q. To negotiate terms of peace?—A. Yes, sir; and put them on a piece of land where they could treat them well.

All of the above questions and answers of this witness were duly interpreted to the prisoners by the interpreters.

TOBY, Riddle's wife, an Indian, called for the prosecution, being duly sworn, testified as follows:

Question by the judge-advocate. What is your name; is your name Toby?—A. Yes.

Q. Are you the wife of Mr. Riddle here?—A. Yes, sir.

Q. Were you at the meeting of the peace commissioners with Captain Jack and the others, on the day of the death of General Canby and the others?—A. Yes.

Q. What Indians were there?—A. Captain Jack, Schonchis, (Ellen's man, who is dead,) Black Jim, Hooka Jim, Schacknasty Jim, Boston Charley, and Bogus Charley.

Q. Did you go down there to that meeting with your husband?—A. Yes, sir.

Q. Did you stay there after he went away?—A. Yes, sir.

Q. What did you see happen there; what did Captain Jack do?—A. Captain Jack shot General Canby. The first time Schonchis missed Mr. Meacham.

Q. Did you see Schonchis fire at Mr. Meacham?—A. Yes; and he missed him the first time.

Q. And then what happened?—A. Hooka Jim was running after Mr. Dyer, and shooting at him.

Q. Did Schonchis fire twice?—A. I don't know exactly how many times he shot; he shot several times, though.

Q. At Mr. Meacham?—A. Yes, sir.

Q. Did you see Dr. Thomas shot?—A. Yes.

Q. Who shot him?—A. Boston Charley.

Q. Who fired first?—A. Captain Jack.

Q. Then when did the firing begin afterward; immediately or some time after?—A. They all commenced firing right after that, then.

Q. Did any other men join the party?—A. Yes.

Q. When did they join the party of Indians. How many of them joined the party?—A. I saw three men come up.

Q. Do you see any of them here?—A. Brancho was one; Lolocksalt, or Schlolox.

Q. Did anybody strike, or wound, or hurt you?—A. Yes, sir.

Q. Who was it?—A. Schlolox.

Q. What did he do to you?—A. He hit me across the back.

Q. What with?—A. A gun.

Q. Did you fall off your horse, or sit on your horse?—A. I was on the ground.

Q. Did he knock you down?—A. Yes.

Q. Did you see your husband when he ran away?—A. Yes.

Q. Did anybody fire at him?—Yes; I seen three men after him.

Q. Can you say who those three men were?—A. Yes; Brancho, Shacknasty Jim, and Ellen's man—he is dead.

Q. The other men who came up, what did they come up for?—A. I didn't see them until they got right up in there.

Q. Did they have anything in their hands?—A. They were packing guns.

Q. How many guns did each have?—A. I think they had three apiece.

Q. Did Captain Jack do or say anything before he began to fire?—A. Captain Jack, when he got ready, said "atuck."

Q. What does that mean?—A. "We are all ready."

Q. Did he get up from his place, or sit where he was when he began to fire?—A. He got up and went out a little piece from there, and then came back.

Q. Where were you when he fired?—A. I was sitting or laying down, rather pretty close, sort of between Meacham and Riddle.

Q. Did you see a pistol in Captain Jack's hands?—A. Yes, sir.

Q. Did you see him fire it?—A. Yes, sir.

Q. And did you see a pistol in Schonchis's hand?—A. Yes.

Q. Did you see him fire that?—A. Yes, sir.

Q. Did you think they were going to kill the commissioners that day?—A. Yes.

Q. What made you think so?—A. There was one of the other Indians told me so.

Q. Who told you?—A. William; Whim they call him.

Q. How long before the meeting did Whim tell you this?—A. It was about eight or ten days.

Q. What did Whim say to you?—A. He said not to come back any more; to tell the peace commissioners not to meet the Indians any more in counsel; that they were going to kill them.

Q. Did you tell General Canby not to go?—A. I did not tell General Canby; I told Meacham and Thomas.

Q. Did Mr. Meacham believe you?—A. Yes, sir.

Q. Did he say he believed you?—A. Yes.

Q. Did this Schlolox only strike you once?—A. Only once.

Q. Why didn't he strike you more than once?—A. Captain Jack and another Indian told him to let me alone; Black Jim there, and Jack.

Q. They told Schlolox to let you alone?—A. Yes, sir.

Q. Was he about to strike you again?—A. Yes; he was talking to me and trying to get the horse.

Q. Did you go with your husband the day before the meeting into Captain Jack's camp?—A. Yes, sir.

Q. Did you carry a message, or what did you go for?—A. I and he went in and took in a message from the peace commissioners; a written message.

Q. To whom?—A. To Captain Jack.

Q. What did Captain Jack say; did you hear him?—A. Yes.

Q. What did he say?—A. Jack said he was tired, and he didn't understand no papers. He didn't talk with any papers.

Q. What did Captain Jack say about a meeting; about the terms of a meeting?—A. He said that the old men made it up with him to have a meeting; at this side of the place Riddle spoke of.

Q. How many men were to go there?—A. Five men were to go there.

Q. Did he say anything about pistols, guns, or weapons?—A. He said he would not take any, and did not want the peace commissioners to take any.

Q. Did you go down from the peace commissioners' tent to the peace tent the day of the meeting and the murder?—A. Yes.

Q. Who did you go with?—A. I went along with Riddle, Dyer, and Mr. Meacham.

Q. How near to General Canby was Captain Jack when he fired?—A. He was right close to him.

Q. As near as you to me?—A. Yes, sir; (about 5 feet.)

Q. Was there a fire there burning?—A. There was a little fire there.

Q. How did they sit in reference to the fire. Did they sit away from or around it?—A. The fire had all gone out pretty nigh, and they were sitting pretty nigh the fire, most of them.

Q. How did Captain Jack fire; across the fire or over it, or sideways? A. It was out one side of the fire; General Canby was sitting one side of the fire, and Captain Jack walked around.

Q. Where did these two men, Sloluck and Brancho, come from when they came?—A. They came up from behind a kind of ridge of rocks

about one hundred yards or such a matter from where the peace tent was.

Q. Had they been hiding behind there?—A. Yes; I guess they had been hid there.

Q. Did you see them at first when you went to the meeting?—A. No; I didn't see them.

Q. Where did you go after the deaths; after the firing?—A. I went back to the camp then.

Q. You walked back?—A. Yes, sir; I was leading the horse.

Q. What became of Captain Jack and the rest of the Indians?—A. They all went back to Captain Jack's stronghold.

Q. Did they offer to do you any more harm?—A. No; they didn't offer to touch me any more.

Q. What was done with the bodies of Dr. Thomas and General Canby?—A. They stripped their clothes off of them.

Q. Did you see them do that?—A. I seen them strip Dr. Thomas. I saw Steamboat Frank taking Dr. Thomas's coat. Steamboat Frank was one of the three that came up.

Q. Who were the three men that came up from behind the rocks?—A. Steamboat Frank, Sloluck, and Brancho. There were more back there, but I didn't see them. I only know from what the Indians say.

The above questions and answers were duly interpreted to the prisoners by the sworn interpreter—Riddle.

The judge-advocate then asked the prisoners severally if they desired to cross examine the witness, to which they replied in the negative.

The commission had no question to put to the witness.

L. S. DYER, a citizen, called for the prosecution, being duly sworn, testified as follows:

Question by the judge-advocate: State your name.—Answer. L S. Dyer.

Q. What is your business?—A. I am a United States Indian agent.

Q. Of the Klamath agency?—A. Yes, sir.

Q. Does that include the Modocs?—A. Yes, sir.

Q. Do you recognize the prisoners at the bar?—A. I do.

Q. Do you recognize them all?—A. No, sir.

Q. Who is that one with a handkerchief on his head?—Captain Jack.

Q. Who is the next one this way?—A. John Schonchis.

Q. And this one?—A. Boston; sometimes called Boston Charley.

Q. You know them to be Modocs?—A. That is what I understand them to be; yes, sir.

Q. Did you occupy the position of peace commissioner?—A. I did.

Q. In negotiation with the Modoc band?—A. Yes, sir.

Q. By what appointment did you hold the position?—A. I have never received a commission. I received a telegram from Thomas Benton Odeneal, informing me that I was appointed by, I won't say whether the Secretary of the Interior or of Indian Affairs.

Q. Were you appointed by some official in Washington?—A. Yes. That telegram is lost.

Q. You never received a written commission?—A. No, sir. I received a telegraphic dispatch from Superintendent Odeneal stating that I was appointed on the commission to treat with the Modocs, and requesting me to report the same immediately to headquarters.

Q. Were you recognized as such by the other commissioners?—A. I was.

Q. What other reasons, if any, have you for supposing that that telegram was correct; have you been recognized as such in any other way?—A. Yes, sir.

Q. Please state it.—A. At the time after the massacre I telegraphed to the Commissioner of Indian Affairs, stating the circumstances of the massacre, &c., signing myself as commissioner, and I received an answer as commissioner from the Commissioner of Indian Affairs.

Q. Can you tell whether Dr. Thomas received a written commission or simply a telegraphic notice?—A. He received a telegraphic appointment; no commission.

Q. Was that true of Mr. Meacham?—A. I cannot say as to that.

Q. You were recognized as a peace commissioner officially by telegraphic messages?—A. I cannot say as to Dr. Thomas. I was myself.

Q. And Mr. Meacham?—A. Mr. Meacham I know was recognized such.

Q. Did you enter upon any negotiations of peace with the Modoc band?—A. We did.

Q. With their representatives?—A. Yes.

Q. Whom or what did you represent at such negotiations?—A. We represented the United States; that is my understanding of the matter.

Q. When was the last meeting with the Modoc tribe?—A. On the 11th of April, 1873.

Q. Did they apply for a meeting or had an application for one been made by the commissioner? State the facts in regard to that.—A. This last meeting?

Q. Commencing from your connection with the peace commissioners; soon after or about the time General Gillem moved up there?—A. We sought an interview with the commission.

Q. How long before the 11th of April?—A. I cannot give the dates. Something more than a week, I think; perhaps ten days. That is according to my memory. I have not the statistics at all, and I have not the dates at all. It was a day or two after General Gillem moved over to the lava-beds.

Q. Was that the first meeting you had with them?—A. That was the first meeting we had with them. Well, we had seen some of them before. It was the first meeting we had with what we considered the leaders of the Modoc band.

Q. Did you have a meeting of the whole of the commissioners with Captain Jack soon after General Gillem moved over?—A. Yes. Boston and some others had been over to the camp at Van Bremer's before that, some time about the last of March.

Q. At that time, on the 11th, who were the Indians that you met?—A. I cannot give them all. The first meeting after arriving at Tule Lake we met Captain Jack, Schonchis, Scarfaced Charley, and Boston, and there were several others. I have forgotten them, some of them.

Q. After that, did you receive any notice of danger or caution?—A. We did.

Q. State it, if you please.—A. Mr. Riddle told us—told me; I think the rest of the commission——

Q. (Interrupting.) Who is Riddle?—A. He was acting as interpreter. Riddle said that his wife, Toby, as she was called, said that she was warned by an Indian.

Q. Did Toby herself warn you?—A. I think I did not hear Toby say so.

Q. The interpreter cautioned you, then, at any rate?—A. Yes, sir.

Q. You must not testify to what anybody else said, unless they said

it to you. You say you did receive caution?—A. Yes, we received caution.

Q. What was the character of the caution; please state that?—A. That the Modocs meant to kill us.

Q. Was that after your first meeting?—A. Yes, sir.

Q. Before the meeting of the 11th of April?—A. Yes, sir.

Q. What was the result of that first meeting; did it result in some agreement or nothing?—A. There was very little. A portion of the commission thought that the prospect was favorable. Some little concessions were made on the part of the Modocs, and a portion of the commission thought that the prospect was rather favorable for further concession.

Q. Then was there any request made for another meeting by either party shortly after the first one?—A. Yes, sir; an arrangement was made.

Q. Who made the request, the commissioners or the Modocs?—A. The commission applied for a meeting, I think.

Q. Who were members of that commission?—A. Mr. Meacham, as chairman, Dr. Thomas, and myself and Judge Roseborough.

Q. Did that meeting take place?—A. A meeting took place.

Q. Did you go to it?—A. No, sir; the next meeting did not take place, I think. I may be in error as to dates, but a meeting was sought, and a place appointed by the Modocs for the meeting that they did not deem it advisable to go to.

Q. That was another meeting; that was still a third meeting. How many meetings did you have with the Modocs?—A. We had three.

Q. Who suggested the third meeting, then?—A. There was a meeting suggested in which but one of the commissioners was requested to be present, Mr. Meacham, and Judge Rosborough, two; no others. That meeting was requested by the Modocs.

Q. Did that meeting take place?—A. That meeting took place; yes, sir.

Q. Did you go?—A. As I understood it we were requesting a meeting, and they sent word that they would like to meet the commission, or would like to meet Judge Rosborough and Fairchilds; and would like to have Mr. Meacham go to hear what they had to say, but they didn't wish him to talk. I wish to correct myself. We were negotiating for meetings with those Indians, and at one time—whether it was after the second meeting, or after and next to the first meeting—a place was appointed by them where they would meet us, and we did not deem it advisable to go there.

Q. What place was that?—A. I really cannot tell whether that was after the first meeting or after the second meeting.

Q. You had three meetings?—A. A portion of the commission had three meetings.

Q. Which was the meeting at which General Canby and Dr. Thomas were killed?—A. That was the third meeting; at the second meeting there were only two of the commissioners present.

Q. Then I understand you to say the Indians proposed a place which you thought unadvisable to go to?—A. I cannot say whether it was before this second meeting or afterward. I have not the dates clearly in my mind.

Q. Where was the place that they proposed?—A. It was under a bluff of rocks.

Q. Nearer the lava-beds, or farther from them?—A. It was nearer the

lava-beds than we had ever met them, perhaps half or two-thirds of the way from the camp to the lava-beds, under a large bluff of rocks.

Q. Why did you think it was unadvisable to go there?—A. I thought it was unadvisable because we had been warned of danger, and we thought that that indicated that they did mean treachery; taking us away off there where we would be entirely in their hands, and where as many of them could gather together as chose.

Q. Who warned you?—A. Riddle warned us that there was danger. He warned me.

Q. What were the terms proposed for that meeting; how many men were to go; and were they to go armed or unarmed? State the facts in a detailed form, if you can. What was the proposition and the terms made for this third meeting that you thought it unadvisable to go to? Were the Modocs to be armed or unarmed?—A. Armed; five men. I think they agreed to meet us equal numbers—five of us and five of them. I would not state this as positive; but if I recollect aright we were five of us to meet five of them armed.

Q. You think the Modocs proposed to meet you armed?—A. Yes, sir.

Q. Are you sure of that?—A. I think I am sure of it.

Q. Who brought these terms over to you? How did you become acquainted with those terms?—A. I will not be sure; I think it was through Boston. I am not sure of it. These things I have not kept in my mind at all.

Q. Now, let us go the meeting on the 11th of April, when General Canby was killed. Let us get the facts of that. What arrangements were entered into for a meeting? Who undertook them?—A. Boston.

Q. And anybody else? Go on.—A. Boston came in that morning to the camp early, and told us that Captain Jack would meet us at the tent.

Q. Did he state the terms?—A. Unarmed.

Q. How many on each side?—A. That they would meet five of us and five of them. I am not sure whether they said five beside Boston and Charley, who were then in camp. I cannot say positively whether there was to be five besides them or five including Boston and Bogus Charley, who were in camp.

Q. What was the purpose of this meeting?—A. It was to come to some conclusion; that was the understanding.

Q. A conclusion on what subject?—A. With regard to what the Modocs would do, or were willing to do, on the subject of peace.

Q. Did you receive any warning on that day that there was any danger?—A. No, sir.

Q. Do you know whether some of the other commissioners received any warning?—A. I don't know that they did; that is, any positive warning that there was danger particularly on that day.

Q. I don't ask particularly on that day. Did you receive any notice on that day that there might be danger on that day?—A. Yes, sir. I think it might be considered as a warning there might be danger on that day.

Q. Before deciding to go on that meeting did you go anywhere, and if so, where?—A. Not before deciding to go.

Q. Before going did you go anywhere else?—A. Before going, Mr. Riddle, our interpreter, requested us to go to General Gillem's tent with him.

Q. For what purpose? State in full.—A. After he got there he told General Gillem in our hearing—a portion of us; General Canby did not go into the tent—he told us that he wished General Gillem; the idea

was this, that he wished General Gillem to understand that he had warned us that there was danger; that he didn't know that there was danger that day; but he was satisfied that there was danger, and he wished General Gillem to understand that he had warned us of that danger so that he would stand clear of all trouble; he stated that he thought there was danger, but didn't know whether there was danger that day or not; but he wished it understood that he had warned us that there was danger, and it might be that day.

Q. Now, Mr. Dyer, who started first, or did you all go together down to this meeting from General Gillem's tent?—A. Dr. Thomas and General Canby started ahead, and Mr. Meacham, myself, and the interpreters followed.

Q. How far apart?—A. I think they had got perhaps one hundred and fifty yards.

Q. Was Mr. Meacham inclined to be reluctant about going, or disposed to doubt the truth of the warnings?—A. Reluctant.

Q. Were you also reluctant?—A. Yes.

Q. Why, then, did you two go?—A. I can't answer for Mr. Meacham.

Q. For yourself.—A. I thought that if I didn't go, and there was trouble, I would be blamed, perhaps considered a coward, and I had rather take the chances with the rest of them.

Q. When you got to the peace tent, whom did you find there?—A. We found Captain Jack, Schonchis, Hooker Jim, Black Jim; Boston and Bogus went with us; and there were two others. I may be mistaken in their names, but if I recollect aright the other two were Ellen's man and Shacknasty Jim.

Q. How many did you expect to find?—A. I expected to find five.

Q. How many were there?—A. Eight in all.

Q. What occurred then?—A. We talked, shook hands all around.

Q. And smoked?—A. I don't remember.

Q. Where did you take your seat?—A. At first very near Captain Jack and Schonchis, a little one side and behind.

Q. Could you see anything peculiar in their appearance, anything suggesting danger?—A. I saw they both had pistols under their coats; their coats stuck out, and I supposed they had revolvers.

Q. The agreement was they should go unarmed?—A. Yes.

Q. And you saw what you took to be revolvers under their coats?—A. Yes.

Q. And the same appearance in the other men?—A. I didn't look at the others particularly; I didn't determine that.

Q. How long did you have this conversation?—A. I would like to state that I changed position after we had talked a few moments. A gentleman, Mr. Clark, made his appearance—following us up, in fact, quite a distance back—and the Indians seemed dissatisfied that there should be any other person near or in sight; and by Mr. Meacham's request I went back and requested him to go back to camp, and then I returned and stopped a little back from where I was before, and did not go into the circle. I sat a little reclined on the ground, a little back, holding my horse.

Q. Did Captain Jack keep his position all the time?—A. Until we had talked perhaps an hour, and then he got up and said he must go back and (in a vulgar way) attend to the calls of nature.

Q. And then did he go back?—A. Yes.

Q. And what then? Give a detail of the affair; a picture of it?—A. Schonchis was talking. It was while Schonchis was talking that Jack went back. He returned in a few moments, and as he approached the

circle, a step perhaps or two, a very few feet from where he had been sitting, he snapped a cap; snapped his pistol.

Q. You saw the pistol?—A. I did. He said about the same time, "Attuck," or words similar; meaning, I understand, "all ready" or "now;" something of that nature.

Q. He snapped a cap, and what else happened?—A. I looked up the instant I heard the cap snap, and saw he was aiming his pistol at General Canby; I think he was. When I first threw my head up he had not taken it, the pistol, from snapping the cap; then he cocked it immediately.

Q. Did you see General Canby at this time?—A. No, sir. It was in General Canby's direction I had seen him.

Q. But you did not look at him at that moment?—A. I did not.

Q. Did you see Jack aim at him?—A. Yes, at where he was sitting, as near as I could judge. Then I sprang up to run, and at just about the instant I sprang his pistol went off.

Q. What else did you see, if anything?—A. I saw nothing more of what they were doing until I had ran about 150 yards.

Q. Were you chased?—A. Yes.

Q. Did you stop and look around?—A. Yes, I heard some one after me, and had heard shooting and balls whistling about me, and I supposed it was one of the Indians, and I turned about and faced him.

Q. Could you see who it was?—A. Yes, Hooka Jim.

Q. How soon after the cap snapping did the pistol go off?—A. In a very few seconds, perhaps two or three. He cocked his pistol and fired again.

Q. Was there more firing after that?—A. Yes, a good deal.

Q. What interval occurred between the firing at General Canby and the other firing which followed?—A. It was very near together.

Q. Do you mean almost simultaneous?—A. Yes, almost, perhaps a few seconds' interval.

Q. This peace commission interview on the 11th April, did it take place during a cessation of arms?—A. Yes.

Q. Was there no fighting at that time?—A. No.

Q. Have you ever seen any fighting since you have been a peace commissioner?—A. I had not before this.

Q. Have you any grounds of learning by whom this Modoc band was commanded in the lava-beds?—A. By Captain Jack.

Q. Did this party represent the Modoc band?—Yes, they were the leaders, perhaps not all of them, but a portion of the leaders.

Q. General Canby, yourself, Mr. Meacham, and Dr. Thomas represented what?—A. The United States.

Q. Were you injured on the 11th April? Did you receive any personal injury?—A. No.

Q. Received no wounds?—A. None.

Q. Have you any doubt the intent was to wound and kill you?—A. I judge so.

Q. You so judge from the pistol-balls flying about you?—A. Yes.

Q. Do you know Mr. Odeneal?—A. Yes.

Q. What position does he hold here?—A. Up to June 30, 1873, he was superintendent of Indian affairs for Oregon.

Q. Who holds the position now?—A. I don't know. I understand the superintendency for Oregon has been done away with.

Q. Have you ever seen a treaty between the United States and the Modocs?—A. I have.

Q. Have you it in your possssion?—A. I have.

Q. Have you read it ?—A. Yes.

Q. What is the provision in reference to the Modocs and the reservation set apart for them ?—A. The provision is—I cannot give all the particulars—that they shall reside on the reservation.

Q. Had this party of Modocs headed by Captain Jack adhered to that agreement?—A. According to my understanding they had not, this party.

Q. How long have they been in disobedience ?—A. A portion ever since the treaty was framed, as I understand it; they have been brought upon the reservation and ran away.

Q. Who was superintendent before Odeneal ?—A. A. B. Meacham.

Q. Do you know of your own knowledge whether Mr. Meacham had ever tried to return them to the reservation ?—A. Yes, he had.

Q. Often, more than once ?—A. Once he brought them back.

Q. What followed on that ?—A. They remained through the winter, until they could get a good living off the reservation, and then ran away.

Q. Did you see the body of General Canby dead ?—Yes.

Q. Recognzie it ?—A. Yes.

Q. And of Dr. Thomas ?—A. Yes.

Q. And knew it also ?—A. Yes.

Q. What position did General Canby occupy toward the peace commission. I mean was he one of them ?—A. The commission did not understand it exactly so. They did not understand that he was a member of the commission, but that he had a supervision of the action of the commission, and they were expected always to act by his advice and were never contrary to it—in accord with him by his advice and in conjunction with him.

The prisoners, on being severally asked if they desired to put any questions to the witness, answered in the negative.

Question by commission. After you were warned of the danger in meeting those leading men of the Modocs, was it your sense of duty as a commissioner that took you there, or fear that you would be known in the world as a coward if you had not gone ?—A. Both. I feared that if I didn't go, or if Meacham and I didn't go, the commission would be a failure, and there might be a failure through our not going; that was one reason. Another way was that we would also be branded as coward, and it would be generally understood that the commission failed because of our cowardice; it was both of these.

Question by commission. I understood you to say that Superintendent Meacham got these Modocs back into the reservation once or twice before ?—A. Once before.

Question by commission. With or without the assistance of the military ?—A. He had a few soldiers. I only know this from the records and reports in the office.

The foregoing questions and answers were all duly interpreted to the prisoners.

The commission thereupon adjourned to meet on Monday next, the 7th instant, at 10 a. m.

H. P. CURTIS,
Judge-Advocate of Commission.

THIRD DAY.

FORT KLAMATH, OREGON,
July 7, 1873.

The commission met pursuant to adjournment.

Present, all the members named in the order, the judge-advocate, and the prisoners.

The proceedings of the previous session were read and approved.

SHACKNASTY JIM, a Modoc Indian, a witness for the prosecution, having been first cautioned by the judge-advocate of the punishment of false swearing, was then duly sworn.

Question by judge-advocate. What is your name?—Answer. Shacknasty Jim.

Q. Do you remember when General Canby was killed?—A. Yes; I know.

Q. Were you present?—A. Yes.

Q. Did you know that he and the commissioners were to be killed?—A. Yes.

Q. How did you know it?—A. They had a talk at night.

Q. When was this talk? How long before?—A. The evening before.

Q. Who talked?—A. Most of the Indians; the two chiefs were talking.

Q. What two chiefs?—A. Captain Jack and Schonchis.

Q. Did you hear them state they meant to kill them?—A. I didn't hear them say they were going to kill them.

Q. What did you hear them say?—A. I heard them talking about killing the commissioners; that is all I heard them say. I didn't hear them say who was going to do it.

Q. How long before the meeting of the peace commissioners when General Canby was killed was this talk?—A. I almost forget. I don't want to lie. I have forgotten how many days it was.

Q. What Indians were at that meeting of April 11, when General Canby was shot?—A. Schonchis, Captain Jack, Ellen's man, (dead.) I was there and Black Jim, Boston, Bogus Charley, and Hooker Jim; there were eight.

Q. Did any come up afterward?—A. After they began shooting, Barncho and Slolluck and Steamboat Frank and Scar-faced Charley. Steamboat and Scar-face were still in behind the other two after the firing had commenced, or was about over.

Q. Did Slolluck and Barncho have anything in their hands?—A. Packing guns.

Q. Did you see anything done?—A. Yes; I saw Captain Jack shoot General Canby.

Q. Did any one else shoot General Canby?—A. Ellen's man, after Jack had shot him, shot him once.

Q. Did Schonchis take any part?—A. He shot at Meacham.

Q. What did Barncho do, if anything?—A. He ran Riddle, and was shooting after him.

Q. What did you do yourself?—A. I was running after Riddle.

Q. Who told you there was to be killing?—A. I heard them talking about it.

The judge-advocate then asked each of the prisoners if he wished to examine the witness, to which they severally replied in the negative.

Question by commissioner. I would like to inquire what Boston did at the time of the firing?—A. He shot Dr. Thomas.

Question by commissioner. And Black Jim?—A. He was after Meacham.

Q. Did you see Black Jim discharge his pistol or gun?—A. Yes; I saw him fire.

Q. Did you see Slolluck do anything?—A. I saw him close to the woman Toby. But the tent was sort between them and me, and I didn't see what they done. But he was there among them.

Question by judge-advocate. Did you hear Captain Jack say anything before the firing?—A. I was off a good ways from him, and didn't hear him say anything. I was laying down on my blanket when the firing commenced.

STEAMBOAT FRANK, a Modoc witness for the prosecution, duly sworn, being duly warned against the consequences of perjury.

Question by judge-advocate. What is your name?—Answer. I am called Steamboat Frank.

Q. Were you present at the death of General Canby?—A. Yes.

Q. How did you get there?—A. I was about as far as from here to the end of the stables (about four hundred yards) when the firing commenced.

Q. Whom, if any one, were you with there?—A. With Scar-faced Charley.

Q. Who else?—A. No one.

Q. Did you see Barncho?—A. I seen him before they started in there.

Q. Any one else?—A. I seen another, an old man, who has no English name.

Q. Did you have anything with you when you came up?—A. I had my gun.

Q. Did you know that the death was determined on?—A. I knew they were going to kill the peace commissioners.

Q. How did you know it?—A. I heard the Indians talking about the killing of General Canby.

Q. What Indians?—A. Captain Jack and Schonchis talking about it.

Q. Who proposed it?—A. Captain Jack.

Q. When did you hear this?—A. The day before and that evening I heard them.

Q. How did you come behind the rocks?—A. I was laying there and was not doing anything.

Q. Why did you go there?—A. I wanted to see if they would kill General Canby.

Q. Did you go of your own accord?—A. Captain Jack told me to come there.

Q. Did you shoot anybody?—A. No, sir.

The prisoners being severally asked if they desired to examine this witness, answered in the negative.

The commission had no questions to ask.

L. S. DYER re-examined by the judge-advocate.

Question. You stated yesterday you had the treaty of the United States with Modocs in your possession?—Answer. Yes.

Q. Do you wish to correct your testimony?—A. I do.

Q. In what?—A. I wish to say that I have what I suppose to be a copy of that treaty. I supposed when giving my testimony before that it was the original, as it says on the article "original treaty," &c.

Q. Do you know it to be a correct copy?—A. On close examination I find it is not the original, but that I take it to be a copy. I don't know that it is a copy.

Q. You stated Saturday, at the last session, that by the treaty the commission had no right to return the Modocs to their reservation?—A. I certainly do.

Q. Can you testify as positively to that now, finding the treaty to be as you say, as you could then?—A. If this is a correct copy of the treaty I can, otherwise I can not.

Question by commission. By whom is your copy of the treaty authenticated as a true copy?—A. It is not authenticated as a copy.

The judge-advocate stated to the commission that at the last session he had alluded to the treaty in question inadvertently and irrelevantly; but having done so, he had intended to attach to the record a verified copy of it, but finding that Mr. Dyer has no verified copy, and that it is not the original which he has, it was impossible for him to do so. He regards it, however, as unnecessary, as the whole subject is irrelevant to the issue before the commission.

Question by judge-advocate. Do you know Rev. Dr. Thomas's Christian name?—A. I have seen it given as Eleazen.

Q. You are a citizen of the United States?—A. Yes.

The foregoing having been fully interpreted to the prisoners,

The judge-advocate now called Bogus Charley as witness for the prosecution, who, being first cautioned of the consequence of perjury, was duly sworn, and testified as follows:

Question by judge-advocate. What is your name as commonly called?—Answer. Bogus Charley.

Q. Were you present at the death of General Canby?—A. Yes.

Q. Did you know he and the others were to be killed?—A. I didn't know it at that time.

Q. What do you mean by that?—A. I didn't know they were going to kill them.

Q. Do you mean on that particular day?—A. I had heard them talk a little, but never heard them say but very little about it.

Q. Whom do you mean by them?—A. I heard Captain Jack talking a little about it, and Schonchis.

Q. Did anybody else tell you?—A. Whim, or William, told me.

Q. What did he tell you?—A. He told me they were going to kill them men—the commissioners—while they were talking good talk.

The judge-advocate then asked each prisoner, successively, if he desired to cross-examine the witness; to which they severally answered in the negative.

Question by judge-advocate. Have you had any quarrel with Jack?—A. I had a quarrel with Captain Jack at the Dry Lake, south of the lava-bed.

Q. Do you now like or dislike him?—A. I don't like him very well now.

The commission had no questions to offer.

Hocker Jim, a Modoc, a witness for the prosecution; and first cautioned of the consequence and punishment for perjury, duly sworn.

Question. What is your English name?—Answer. Hocker Jim.

Q. Were you present when General Canby was killed?—A. I was.

Q. Did you know he and the commissioners were to be killed?—A. I did.

Q. Are you now a friend to Captain Jack?—A. I have been a friend of Captain Jack, but I don't know what he got mad at me for.

Q. Have you ever had a quarrel or fight with him?—A. I had a quarrel and a little fight with him over to Dry Lake, beyond the lava-bed.

Q. How did you know the commissioners were going to be killed?—A. Captain Jack and Schonchis—I heard them talking about it.

Q. Where were they when you heard them?—A. At Captain Jack's house.

Question by commission. What part were you detailed to take in it, if any, in murdering the commissioners?—A. I ran Dyer and shot at him.

Question by commission. Had you agreed to kill one of the parties before the attack?—A. I said I would kill one if I could.

Question by judge-advocate. Do you like Captain Jack now or dislike him?—A. I don't like him very well now.

The judge-advocate then asked each one of the prisoners, successively, if they desired to cross-examine this witness, to which they replied in the negative.

WILLIAM, (WHIM,) Modoc, called for the prosecution, and warned against the penalties of perjury, was then duly sworn.

Question by judge-advocate. What is your name?—Answer. Whim, or William.

Q. Were you with the Modoc Indians in the lava-bed?—A. Yes.

Q. Do you remember when General Canby was killed?—A. Yes, I know that they went to kill him.

Q. Did you know that he was going to be killed?—A. Yes, I knew they were going to kill him.

Q. Did you know they were going to kill the peace commissioners?—A. Yes.

Q. Were you at the killing?—A. No, I didn't go.

Q. How did you know they were going to kill them?—A. I heard Jack and Schonchis talking about it.

Q. Any one else?—A. That is all that I heard say anything about it.

Q. How long was this before the killing?—A. I don't know exactly, but it was eight or ten days.

Q. Did you speak to anybody about it?—A. Yes, I told about it.

Q. Whom?—A. I told this woman here, (Toby Riddle's wife.)

Q. What did you tell her?—A. I told her to tell the peace commissioners not to come, that I did not want to see them killed.

The judge-advocate then asked each prisoner, successively, if he desired to cross examine this witness; each answered in the negative.

The commission desired to put no questions.

A. B. MEACHAM, citizen, called for the prosecution, duly sworn, testified as follows:

Question by judge-advocate. What is your name?—Answer. Alfred B. Meacham.

Q. Are you a citizen of the United States?—A. I am.

Q. What position did you hold in connection with the late war with the Modocs?—A. I was appointed by Secretary Delano as chairman of the peace commissioners, as special commissioner.

Q. At the time of the event now in course of investigation, who were your associates, if any?—A. Dr. Eleazer Thomas, of Petaluma, Cal., and Leroy S. Dyer, agent at Klamath, were the only associates present who were members of the commission.

Q. What position did General Canby hold?—A. As an adviser and counselor.

Q. Was General Canby in receipt of instructions from Washington, in reference to this matter, to your knowledge?—A. Yes.

Q. And you were directed to consult with him?—A. Yes, to consult and advise, and, as far as possible, to co-operate with him.

Q. Do you recognize any of the prisoners?—A. I do.

Q. Whom of them?—A. Captain Jack, Schonchis, John, and Boston. I am not sure of the names of the others. I recognize the faces of two others there, but am not sure of their names.

Q. Was Dr. Thomas a citizen of the United States?—A. He was.

Q. Whom or what did you represent, the commissioners I mean, in your negotiations with the Modocs?—A. I understood that we were representing the Interior Department of the Government; representing the Government of the United States through the Interior Department.

Q. Did you have meetings with the Indians in April last?—A. Yes.

Q. On what days?—A. We had two in April; the first was on the 3d, if my memory is correct; the second official meeting was on the 11th.

Q. Was that the last?—A. That was the last.

Q. When you met these prisoners on the 11th April did you meet them as representatives of the Modoc band?—A. Yes.

Q. What was the purpose of that meeting?—A. To arrange the details of their surrender, to a peaceful end, as I understood.

Q. To bring the matter to a peaceful end?—A. Yes.

Q. Now will you state the circumstances which preceded and led to the meeting of the 11th April?—A. Do you desire me to state the arrangement for the meeting and its history, or simply the meeting itself?

Q. The history of the arrangements for the meeting, and all the events connected with the homicide, not going back too far.—A. After the first meeting of the 3d April there seemed to have been some difficulty about securing a second meeting. On the 6th April I met all of these men, and one or two others, I think, in an unofficial way, at the council-tent, but made no positive arrangements for a subsequent meeting; failed to do it. On perhaps the 7th, Mrs. Riddle, who was employed as interpreter, was sent as messenger to Jack's camp to make an effort to secure a meeting, and came back saying that no meeting could be safely had, that assassination had been determined on, and she had been so notified. This fact she did not communicate to the board directly, though she did to me through her husband. I laid the fact before the board myself. On the 8th Boston Charley—Boston as he is commonly called—came into camp, as a messenger from Jack's camp, proposing a meeting.

Q. What were the terms of this proposed meeting?—A. He made four propositions; the first, to meet them near Jack's stronghold, to come five men, and armed if we chose, designating who the men should be, to consist of General Canby, General Gillem, Dr. Thomas, Mr. Dyer, and myself; if we elected so to do, to bring arms. The alternative was that they would then meet us next day at the council-tent. That was the first proposition.

Q. You said there were four propositions; you have stated two.—A.

I intended to state but one, but I have really stated two, but not regularly.

Q. Please go on.—A. That proposition, then, was refused. Then, as a further inducement, that if we would meet them on the first terms proposed, near Captain Jack's camp, that they would meet us the next day at the headquarters, General Gillem's camp. That was the second proposition.

Q. Were those terms accepted?—A. Neither one of those terms were accepted. Then Boston stated that Captain Jack said: "You meet us at the council-tent to-morrow, and next day we will meet you in the headquarters." That was the third proposition.

Q. Was any mention made about arms or numbers?—A. On the first two propositions we were to meet armed, if we chose. The proposition at the council-tent did not suggest that we should go armed.

Q. Did it suggest that you should come unarmed?—A. I don't think it did, sir; I have no recollection that it did.

Q. This was on the 7th, I think, you said?—A. I think it was the 7th.

Q. About that time?—A. Yes, sir. The fourth proposition was, that if we would meet them at the council-tent unarmed, that Captain Jack and his people would come into camp and bring all the goods he had and lay them down before the general. All of these propositions were rejected.

Q. What was the place designated in the first proposition? What was the place which Captain Jack finally designated as the place for meeting, near his stronghold?—A. Near his stronghold, and, it my memory is correct, it had reference to the place of the first meeting on the 3d of April.

Q. What was its character?—A. The first meeting took place in one of these large sink-holes. It is all rocky; a hole in the sunken rocks, which was deep enough to hold a small army almost. It was very rocky; a place that could be very easily surrounded.

Q. And this was the place he desired you to meet him?—A. That is my understanding. He desired us to meet at the same place we had the first meeting.

Q. You rejected these proposals?—A. These proposals were all rejected.

Q. Then what came next?—A. The proposition sent back by us that we would meet Captain Jack on equal terms at the council-tent, on even terms. My memory is not good enough to give you the whole force of the proposition. I know that that was the substance of it.

Q. What was the meaning of that?—A. The meaning of that was that we were always willing to meet and have a talk, but we wanted to go in a way that we would feel secure. We did not want them to have the advantage. Then Captain Jack wanted to bring an armed company of men with him, and that he would allow us to do the same thing; that we would agree to the same proposition. That is the substance of the message that was sent back by Boston in reply to Captain Jack's overtures for this meeting.

Q. What further occurred after these circumstances you have been detailing, these propositions being rejected?—A. I am wrong in my dates that I have given you, sir. I was trusting to my memory, and I find by memoranda I was not quite correct in the dates. That this meeting when the four propositions were made occurred on Sunday, I am very sure; and that on Monday Boston returned.

Q. What day was Sunday?—A. Sunday must have been the 6th.

Q. And on the 7th Boston returned?—A. And on the 7th Boston

returned and desired that Frank Riddle should go out and give Captain Jack advice. Frank Riddle was sent by the commission with instructions what to say to Captain Jack and his people. Captain Jack sent his reply by Riddle that he would not come to the tent to talk.

Q. Was that the advice that was given to Riddle to convey to him?—A. I believe I have the memoranda. My recollection is we instracted Riddle to say we were still willing to meet him at the tent on any terms that would be satisfactory.

Q. And did he refuse to come?—A. He refused to come to the tent; but still insisted he was willing to meet us near his camp. He was unwilling to meet us at the council-tent until the soldiers were all taken away, after which he would be willing to meet and talk with us at the council-tent about a new reservation. That he was unwilling to talk about any other place than Fairchild's ranch or Cottonwood Hot Creek, I believe it is called; he was unwilling to talk about any other place. That was the proposition. That was his reply to Riddle.

Q. Was this place which he first designated near the stronghold a dangerous place for the commissioners to meet him?—A. We considered it very dangerous then. We were unwilling to go on account of the danger. It was too far from the military camp. It was nearer Captain Jack's camp than ours, and a very rough portion of the lava-bed.

Q. Was it so that men might be concealed there?—A. It was.

Q. Was it a position that could be commanded?—A. It was a position that might be commanded, and men might be concealed to any number. That was our objection to meeting there.

Q. Then who made the next proposition, and what was it?—A. The next proposition again came from Captain Jack, through Boston. After Riddle's visit Boston again came and made a proposition.

Q. What are those papers you are looking at?—A. Memoranda taken by me at the time.

Q. Memoranda made by yourself?—A. They are, sir.

Q. Do you wish to refresh your memory by them?—A. I do, sir; to be sure I am right.

Q. What was the proposition from Captain Jack then?—A. To meet at the council-tent.

Q. In what way, armed or unarmed?—A. I am unable to state what that proposition was.

Q. What action did the commissioners take upon that?—A. This last proposal of which I am speaking was made by Boston, with the assurance that Captain Jack and five men were there waiting for us at the council-tent. We were informed that such was the fact, and that in addition to it some twenty or thirty men were behind them in the rocks. I don't know through what source this information came; only it was from the station on the hillside. We refused to go that day; that was Wednesday; it must have been the 9th. On Thursday Boston again came in with the message from Captain Jack, accompanied by Hooker Jim, William, and Dave. The propositions that were made that day I didn't hear; I have only the memoranda and information from Dr. Thomas. I don't know whether it is proper or not.

Q. We won't take that. Now state what occurred next.—A. During the day the propositions that were made by Boston, that is, on Thursday, were accepted by Dr. Thomas, and an agreement made to meet Captain Jack and five men, unarmed, at 11 o'clock; all parties unarmed at the council-tent on Friday. I knew this agreement to have been made by Dr. Thomas on the evening of the 10th, on my return from Boyle's camp that night.

Q. Did he give it to you officially?—A. Yes, sir. When I started on the visit to Boyle's camp, I said to Dr. Thomas, if occasion requires my presence in any business, you will act in my capacity as chairman of the commission, and as acting chairman of the commission he made this arrangement, and so notified me.

Q. After that what followed?—A. I protested against the meeting, but subsequently yielded to the opinions of General Canby and Dr. Thomas, Mr. Dyar and I dissenting. We yielded to their judgment, and we consented that the meeting should take place. Before starting, Mr. Riddle, our interpreter, asked an interview with the board, which was granted, at which time he remarked that he thought there was great danger in going, and that he wanted to be clear of the responsibility; that his wife and he had lived together for twelve years, and that she had never deceived him; that he believed those Indians meant treachery. This was made in the presence of General Gillem, Dr. Thomas, Mr. Dyar, and myself, General Canby being at the tent door, but not in hearing. After Mr. Riddle retired, General Canby expressed his doubts about danger. Dr. Thomas also said that he was still willing to go. The subject-matter of Mr. Riddle's communication was given to General Canby by myself before starting to the lava-bed. General Canby's opinion, or his reply, was pretty nearly in these words: "I think there is no danger; although I have no more confidence in these Indians than you have; I think them capable of it; but they dare not do it; it is not to their interest." With this assurance, and the confidence I had in General Canby, I gave a reluctant assent to the meeting on my part; and Mr. Dyar, as I then understood, did also. General Canby and Dr. Thomas started afoot and alone, going past the tent occupied by the peace commissioners. At the door of the tent Mrs. Riddle was holding my horse. She protested against the meeting; that there was danger, or something of that kind. Mr. Dyar had remarked, too, that he thought there was danger. I called to General Canby and Dr. Thomas, who had, perhaps, gone past the tent occupied by the commission one hundred yards. They waited until I approached them, and we had another conversation on the subject, General Canby saying to me, to allay my fears, that I was unduly cautious; that with the disposition of the troops, these Indians dare not do it, and he repeated to me again that he had no more confidence in them than I had; but that it could not be to their interest; that they did not dare to do it; that Colonel Mason was only a short distance from their stronghold, and before they could get back to their council-tent Colonel Mason's force could be put into the stronghold on to them; that he had had the road watched from the signal-station with a glass since daylight this morning—that was the morning of the 11th; that there was but five Indians there, and they were apparently unarmed; that I should allay my fears, for he had none under the circumstances, or pretty near to that effect.

Q. Do I understand you to say this meeting was brought about by a messenger from Captain Jack?—A. From Captain Jack; arranged by Dr. Thomas, with the consent of General Canby, by a messenger sent by Captain Jack, Boston, who remained over-night in the camp. Dr. Thomas didn't believe there was danger; he told me so. He thought there could be no danger. General Canby's opinion seemed to be pretty nearly his: that he felt he was in the line of duty; that he was serving God, and that if God required his life he was ready; that he was going at all events. I made the proposition, if this meeting must take place, that we go armed, and that John Fairchilds be allowed to go along; that I was willing to go with John Fairchilds armed and I

armed, if no one else was. Dr. Thomas strenuously opposed this, because it would be a breach of the compact. I insisted that I knew these people better than he did; that they would not keep their part of the compact; that they would be armed, and there would be more than five of them there. The doctor again replied, in a very religious way, that it was a matter belonging to God; that we would keep our part of the compact and trust to Him. I made one further proposition, I remember distinctly: that if, when we arrived on the ground, things looked dangerous, I would make them any promise in the world rather than that they should have my life or theirs. Dr. Thomas says, "I will be a party to no deception under any circumstances; this matter is in the hands of God." General Canby said, "I have dealt with Indians for thirty years, and I have never deceived an Indian, and I will not consent to it—to any promise that cannot be fulfilled." There was other conversation that I don't suppose is pertinent. I wanted that on record. I abandoned all idea of persuading or dissuading them from going, and I went again to the commission-tent, where Mr. Dyer was saddling his horse. John Fairchild was there also, and Mrs. Riddle was then holding my horse, and Mr. Riddle, I think, preparing my horse to ride, and Bogus Charley was there. I asked Fairchilds what he thought of the situation, and, without giving any definite answer, he said he would talk to Bogus Charley; that he could tell by his talk whether there was danger or not. He had the talk with Bogus Charley, and came back, and said he thought there could not be danger from the way Bogus talked; that Bogus assured him there was no danger.

Q. You then went to the peace-tent?—A. Yes, sir. There are one or two other points I wish to go on the record. After that talk with Bogus, Mr. Fairchilds and I had still another conversation, in which we agreed exactly; we still thought there was danger. I remarked to Mr. Dyer that I saw no reason why he was in honor bound to go; as chairman of this commission, my honor compelled me to go; that I was not willing to have Dr. Thomas and General Canby go alone. I remember Mr. Dyer's reply was, if I went he was going. I then gave what money I had to Mr. Fairchilds, and Mr. Dyer did the same, and we started, perhaps two hundred yards behind Dr. Thomas and General Canby; Mr. Dyer on horseback, Mrs. Riddle riding a horse, I was on horseback, Mr. Riddle was afoot, and Bogus Charley started with us, but I don't think he went, all of the way out, along with us; it is my impression that he did not. We went a longer route in going to the council-tent than General Canby and Dr. Thomas did, requiring several minutes more to make the journey. When we arrived at the council-tent, Boston had already arrived, and I think Bogus was ahead of us also, making seven Indians who were there present, visible, and they were all smoking; I think all smoking except Dr. Thomas, who never smoked; they were smoking the cigars which General Canby had carried out. There had been a little fire built fifteen or twenty feet off the council-tent, and on the side directly opposite from our camp, a sage-brush fire. General Canby and Dr. Thomas were standing nearest to the tent when we arrived, nearer than the Indians were; and around this little fire, which had nearly burned out, my recollection is, there were either stones there naturally, or there had been some stones placed around, making a kind of half-circle, or three-fourths of a circle. Before dismounting from my horse I had taken my overcoat off, laying it on the horn of the saddle in front of me. When I dismounted I hung my overcoat on the horn of the saddle, and dropped the rope of my horse on the ground, without tying him; reining him up with the bridle-rein, over

the coat, holding it to the horn of the saddle. Mr. Dyer rode on to the east side of the fire before dismounting, my opinion is, and also Mrs. Riddle. When we got ready for the talk, we sat down around this fire; General Canby facing Schonchin John, those two being nearest the tent; Captain Jack sat next to Schonchin John, and there were other Indians next to Captain Jack, but I cannot say who now. I can only define positively the position of Captain Jack and Schonchin; that I sat next to General Canby, on his left; that Dr. Thomas sat down on the ground, not on a stone; and a little behind me, to my left again, Mrs. Riddle sat down or lay down on the ground, very close to Dr. Thomas, a little in front of him. Mr. Riddle, a portion of the time, was between Dr. Thomas and Mrs. Riddle; but, after we had been talking a few minutes, some of the Indians discovered a man approaching from the camp, and, at my request, Mr. Dyer mounted his horse, and rode out to the man, and sent him back again. On Mr. Dyer's return to the council, he dismounted from his horse on the side of the fire occupied by the Indians; to the right, properly speaking, of General Canby, and a little behind my horse. We had been talking perhaps fifteen minutes, when Hooker Jim went to my horse, calling him by name, and tied the rope either to a rock, or a little sage-brush grub; went to the saddle, and took my overcoat off and put it on, buttoned it up from bottom to top, and said he was Meacham, or that he would be Meacham. He turned to Bogus Charley, and asked him if he didn't look like old man Meacham.

Q. He said he was or he would be?—A. Yes, sir; but I cannot say which way. He said it one way or the other; that he was or would be Meacham. I am not very positive whether he said, "I am Meacham now," or "I will be Meacham." But one or the other. I know that he asked Bogus Charley if he looked like old Meacham, (as I think the Modocs called me.)

Q. Did he say it in English?—A. Yes; that act was, in my judgment, at that time a declaratory one, and sufficient evidence of what was coming. I sought to get a glance at General Canby's face, and I am very confident, although no words were passed, that General Canby understood the act and knew what it meant.

Q. That is not material. Please go on.—A. I think we talked fifteen or twenty minutes after that before any other demonstration was made of a hostile nature. Dr. Thomas had made a very religious and conciliatory speech to the Indians, General Canby a very friendly one, and Jack had finished talking, said he had talked all he wished to. Schonchin John was making a speech, which Riddle was interpreting. After Schonchin John had finished his speech, or made a statement or declaration, and while Riddle was interpreting it, off on our left and pretty near in range of the way we were sitting, two men that I did not recognize jumped up from ambush with one or more guns under each arm.

Q. Mr. Meacham, can you not tell the commission what General Canby said to the Indians?—A. Yes; I have a pretty good recollection of it. The substance I know exactly. After this demonstration of Hooker Jim's—the taking of the coat—fully appreciating the peril we were in, I asked General Canby if he had any remarks to make, partly for an opportunity to look him in the face, and partly to see whether he could say something that might avert the peril. General Canby rose to his feet to talk, and said, in substance, that when he was a very young officer in the Army he was detailed to remove two different tribes of Indians, one from Florida, and one from some other part of the

southeast, to west of the Mississippi River; that at first they had not liked him very well, but after they got acquainted with him they liked him so well that they elected him chief among them. He then gave the name that each tribe had given him, one designating a tall man or chief, the other "the Indian's friend," giving the Indian word; that years after they were located in the new home he visited these people and found them prosperous and happy; that they came a long ways to meet and shake hands with him; that they greeted him as a friend and a brother; that he had no idea but what these Modocs would, some time or other, recognize him as a friend when they were located in a home; that his life, or the greater portion of it, had been spent in the United States Army, in the Indian service; that he had never deceived them, had always dealt fairly with them; that he came here at the request of the President of the United States; that the President had ordered the troops here, and that they could only be removed by the President's order; that they were only here for the purpose of seeing that this commission did their duty, and performed what they agreed to do. That these people (addressing them) should do what they had agreed to do, and that the citizens should not interfere. That unless the President ordered it, he, General Canby, "could not take the soldiers away." This is about a synopsis of the general's speech.

Dr. Thomas's speech, if you are willing to hear it, I would like to have on the record.

JUDGE-ADVOCATE. Certainly.—A. After General Canby had spoken I turned again to Doctor Thomas, who was a little behind me; and the Doctor in raising foward came upon his knees, and laid his right hand on my left shoulder, bringing him nearly even with me. In this position, on his knees, with his hand on my shoulder, he was so close to me, he said: "Toby, tell these people that I think the Great Spirit put it into the heart of the President to send us here. I have known General Canby for fourteen years; I have known Mr. Dyer for a few years, and Mr. Meacham for eighteen years; and I know their hearts, and I know they are all your friends; and I know my own heart and I believe that God sees us, what we do; that he wishes us all to be at peace; that no more blood should be shed." That is the substance; there were other little things, but they are immaterial.

I would now like to give a synopsis of the talk on the part of the Indians.

(Objected to by a member of the court, on the ground that it must all have been interpreted, and the interpreter was not under oath at the time. The judge-advocate remarked that no doubt that was the fact, but that in his opinion it was better to admit Mr. Meacham's account of what the Indians said in reply to General Canby and Doctor Thomas. It was thereupon decided to admit it for what it was worth. Objection withdrawn.)

Q. By judge-advocate. Well, Mr. Meacham, what did the Indians say?—A. The substance of Jack's speech was that he wanted the soldiers taken away. That was the main point. Schonchin John's speech was that he wanted Fairchild's ranch, or Hot Creek; these were the main points.

Q. Then what came?—A. The reply was that the President had sent the soldiers there, and that they could not be taken away without his consent.

Q. Who said that?—A. I think I said that myself, and that General Canby repeated it; that they were sent there by the President and could not be removed without his consent. Schonchin John said he

was willing to accept Hot Creek for a home; that he had been informed that he could have that place. He was asked, "Who told you you could have it? Did Fairchilds or Dorris?" He replied they did not, but from other sources he had learned he could have that place." Then Schonchin John said: "Unless the soldiers are taken away and you give us Hot Creek or Fairchild's ranch, we don't want to talk any more."

The interpreter had rendered that speech of Schonchin John's, or pretty nearly, perhaps not quite, finished it, when the two men sprang up. When the men came in sight, we all rose to our feet except Mrs. Riddle, who, I think, threw herself flat on the ground. While Schonchin was talking, Captain Jack had risen and turned his back and was walking off a few steps, perhaps behind Mr. Dyer's horse, or toward it; he was coming again toward the circle at the time the Indians rose up; he was rather facing it, but when the Indians made their appearance I asked the question of Captain Jack, "What does that mean?" but he made no reply to me directly; he put his right hand under the left breast pocket and drew his pistol, and sung out some word in Indian that I did not then understand.

Q. Had you seen the pistols before?—A. I had seen the shape of them, not the pistols themselves; I became satisfied they were all armed some time before that.

Q. You think the two men who appeared from the rocks came into sight before the first pistol was fired?—A. I know it, sir.

Q. You saw them come out?—A. Yes.

Q. What next took place?—A. Captain Jack and Schonchin John changed places, bringing Captain Jack in front of General Canby and Schonchin in front of me; and Captain Jack drew his pistol and the cap bursted but did not discharge.

Q. Whom did he aim at?—A. At General Canby, and within less than three feet—pointed toward General Canby's head.

Q. Had the commissioners done anything to justify or excite the attack?—A. There had been no angry words.

Q. Or motions?—A. No acts of any kind that could have provoked hostilities that I know of; on the contrary, we were sedulously careful to avoid it; and I believe we all appreciated the necessity of being careful in our conversation and in our action. But after the assault of Captain Jack with the pistol on General Canby, what I remember most distinctly was that Schonchin John drew his pistol from this (left) side of him.

Q. You saw it?—A. Yes; within not to exceed 3 or 4 feet from me; he discharged it at me, aiming evidently at my head. After drawing the pistol, almost at the same time or very nearly, he drew a knife which he held in his left hand.

Q. Did he hit you?—A. Not at that time. He subsequently did shoot me. This ball which struck me in my face (showing) was discharged from the pistol in the hands of Schonchin John, within 15 or 16 feet of me, after I had taken the cover of a rock.

Q. Did you notice whether there was any more firing?—A. There was; the firing was very hot and they were all very active, making hostile demonstrations on the peace-commission party. One man was after Dyer I know, but I cannot tell who.

Q. You saw that?—A. Yes; I saw Dyer running and Riddle running, and I saw some men chasing him; but I cannot designate the men who did it, only they were of the party who were in the council.

Q. Did you still retain your senses after this ball had struck you in the forehead?—A. For a very short time afterward. Very soon after-

ward I received a shot in my wrist, and within a few seconds after I lost my consciousness, probably from the grazing shot on my temple. I remained unconscious until the skirmish-line of rescuers came up.

Q. What other wounds did you have?—A. I received a shot on my left hand, my right wrist, my face, the end of my ear and side of my head, and a knife-cut of four or five inches in length on the side of my head, besides bruises.

Q. Do you say the party of Indians, as soon as Jack fired, sprang simultaneously up?—A. Sprang up and commenced firing; all drew arms, or they were all engaged in it some way. I didn't see General Canby after Captain Jack had cocked his pistol to shoot the second time—I have no recollection of seeing him. I did see Dr. Thomas after he had received the first shot, and my memory is that Boston was shooting at him. Dr. Thomas got on his right hand without falling entirely to the ground.

Q. After this did you become unconscious?—A. Yes. I fell back thirty or forty steps from where the firing began; I succeeded in running that distance.

Q. When did you recover your senses?—A. When the skirmish-line, Colonel Miller's command, came up. I suppose it must have been the time that it required to march from headquarters on double-quick. I came to consciousness when the line came up, hearing the voice of Colonel Miller straightening his line; that is the first sound I remember.

Q. Do you have any doubt that the Indians intended to kill and murder you?—A. None.

Q. Did you ever receive this telegram?—A. I did.

The prisoners were then severally asked if they desired to cross-examine; to which they each replied in the negative.

Q. By commission. Were the Indians armed who were secreted in the rocks, and who came forward during the conference?—A. They were, with guns.

Q. By commission. Did those Indians who came from the rocks make their appearance before, or after, Captain Jack left his place and went to the rear?—A. After he started to go to the rear.

Q. By commission. Do you understand that Jack's going to the rear was a signal to those Indians hiding in the rocks to come out with their guns?—A. I have always so supposed it to be—to have been the signal; I believe it to have been.

Q. By judge-advocate. Had General Canby a weapon on his person?—A. Not that I am aware of.

Q. Had Dr. Thomas?—A. I know he had not.

Q. Were there any weapons in the party which could have been seen by the Indians?—A. I think not.

All the foregoing testimony was faithfully interpreted to the prisoners.

The judge-advocate then submitted to the commission the telegram referred to above and identified by Mr. Meacham, and also another attached to the first, both verified under the signature of the Secretary of the Interior, and the seal of the Department attached to record, and marked A. The judge-advocate stated that he offered them by way of additional proof of the position, as peace commissioner, held by Dr. Thomas.

The commission thereupon adjourned to meet at 9.30 a. m. to-morrow morning.

H. P. CURTIS,
Major, U. S. A., Judge-Advocate Commission.

FOURTH DAY.

FORT KLAMATH, OREG., *July* 8, 1873—9.30 a. m.

The commission met pursuant to adjournment.

Present: All the members named in the detail, and the judge-advocate, and the prisoners.

Proceedings of previous meeting were then read and approved.

H. R. ANDERSON, lieutenant Fourth Artillery, called for prosecution, duly sworn, testified as follows:

Question. By Judge-Advocate. What is your name and rank?—Answer. H. R. Anderson; lieutenant Fourth Artillery.

Q. What position did you hold at the time of the death of General Canby?—A. Personal aid and acting assistant adjutant-general, on General Canby's staff.

Q. What position did General Canby occupy at that time?—A. He was then—two months' time of the negotiations—in command of the Military Division of the Pacific.

Q. Up to what date?—A. I think up to the 6th of April he was in command of the Military Division; after that, General Schofield returned and relieved him of the command.

Q. What command did he hold, if any, at the time of his death?—A. Department of the Columbia, and adviser to the peace commission under telegraphic instructions from Washington.

Q. Was he in receipt of instructions from any source as to the course he was to pursue; was he receiving instructions from time to time?—A. Yes, sir, from time to time; from commanding General of the Army.

Q. What kind of instructions were they? Did you see them yourself?—A. Yes, sir; generally telegraphic instructions.

Q. What was their nature? What did they instruct him to do?—A Instructed him to use his utmost endeavors to bring about a peaceable termination of the trouble.

Q. What relation did he hold with the peace commissioners?—A. He was ordered down there to consult and advise with them.

Q. Do you remember General Canby's initials?—A. E. R. S.; his full name was Edward Richard Sprigg Canby.

Q. In acting as he did in connection with the peace commissioners, whom did he represent?—A. The United States Government.

Q. At the time he was killed what military operations, if any, were going on?—A. None whatever.

Q. He was not alone there negotiating with the Indians?—A. No, sir; there were troops encamped within two miles on one side and about three on the other, of Captain Jack's stronghold.

Q. Were there hostile forces on both sides?—A. I don't know whether they were considered hostile at the negotiations or not; they had been; no peace had been made; there were only negotiations going on, and cessation of hostilities.

Q. How do you know there had been hostilities?—A. From official reports of the officers engaged with the Indians; and the report of killed and wounded.

Q. How many engagements had there been?—A. There had been two general engagements with the troops, and one or two skirmishes.

Q. Had there been lives lost and blood shed?—A. Yes, sir; I think some twenty-two or twenty-three killed, and died from wounds.

Q. What were the arms of the service, employed on the side of the United States?—A. Up to that time they were cavalry and infantry.

Q. Where were the enemy?—A. A part of the time in Southern Oregon, and a part of the time in Northern California, in the vicinity of the lava-beds.

Q. Were they accessible in the lava-beds?—A. Yes, sir.

Q. Could they be got at?—A. Yes, sir.

Q. Were they entrenched?—A. Yes, sir; they had fortified themselves in the rocks in some places.

Q. How do you characterize the contest that was going on?—A. An Indian war.

Q. At the time of General Canby's death, I think you said, a suspension of arms and hostilities were existing?—A. Yes, sir.

Q. What led to the meeting of General Canby and the commissioners with the Indians—the last meeting?—A. A message from Captain Jack.

Q. Did he ask that, to your knowledge?—A. Yes, sir.

Q. Do you desire to make any further statement?—A. No, sir; except to say that the troops had moved after the first negotiations of peace—the peace commissioners; from Fairchilds, they had entirely broken off, and a movement of troops had taken place during the time that there was no communication between the Indians and the peace commissioners, which I think was some eight or ten days. The troops moved up, and then there were messages sent in from the commissioners desiring to have a talk; and they had a talk.

Q. Did you see General Canby dead?—A. No, sir.

Q. Or Dr. Thomas?—A. No, sir.

Q. About how long had these hostilities lasted which you speak of, between the United States force and this tribe; up to the time of the death of General Canby?—A. About five months.

Q. Did they terminate with his decease?—A. No, sir.

Q. Do you know of your own knowledge that there were engagements afterwards?—A. No, sir.

The judge-advocate here asked the prisoners, severally, if they desired to cross-examine the witness; to which they replied in the negative.

The commission had no question.

The above questions and answers were faithfully interpreted to the prisoners.

HENRY C. MCELDERY, assistant surgeon U. S. A., called for prosecution, sworn; testified as follows:

Question. By judge-advocate. Did you see the body of General Canby after his decease?—A. I did sir; I saw it on the field on the evening of April 11.

Q. Was the General dead?—A. Yes, sir; he was quite dead when I saw him.

Q. Please describe his condition?—A. He had been entirely stripped of every article of clothing. He had three wounds on his body, and several abrasions of the face. One of the wounds, apparently made by a ball, was about at the inner canthus of the left eye. The edges of that wound were depressed, as if the ball had entered there.

Q. What is your opinion as to the cause of his death?—A. I think the gunshot wound of the head caused his death; this ball, which entered in the eye and came up in the head, and fractured the left parietal bone and went through the brain.

Q. He died of the wounds received by him, then, on the evening of the 11th?—A. Yes, sir.

Q. Did you see Dr. Thomas's body?—A. I saw him. There were sev-

eral gunshot wounds in his body, but I don't recollect sufficient to swear to the exact locality of each one.

Q. What was your opinion as to the cause of his death?—A. I think the gunshot wound over his heart was the cause of his death.

Q. Did he die of wounds received on that day?—A. I think the wounds that I saw were sufficient to cause his death; yes, sir.

Q. Where were you employed during the war with the Modoc tribe?—A. I was an assistant surgeon under the United States Government; and was acting as chief medical officer at that time to the Modoc expedition.

Q. Chief medical officer of the force there?—A. Yes, sir.

Q. Did the war terminate with the death of General Canby?—A. No, sir.

Q. Were there other subsequent engagements?—A. Yes, sir.

Q. Were you present at any engagements which preceded the death of General Canby?—A. Yes, sir; I was in the affair on Lost River with Captain Jackson; the first affair.

Q. On what date?—A. That was on the 29th of November, 1872.

Q. Any others?—A. I was in the fight of General Wheaton on the 17th of January. I believe those are the only two.

Q. Were there lives lost?—A. Yes, sir.

The judge-advocate then asked the prisoners if they desired to cross-examine the witness; to which they replied in the negative.

Question. By the commission. Do I understand the witness to say he saw General Canby's body on the field?—A. Yes, sir.

The witness then corrected his testimony as follows: The gunshot wound causing the death of Dr. Thomas was of the heart; not merely over the heart.

The above questions and answers were severally interpreted to the prisoners.

The judge-advocate then offered to the commission extracts from General Orders No. 100, of the War Department, Adjutant-General's Office, Washington, April 24th, 1863, entitled "Instructions for the Government of armies in the field;" copy of which extracts are attached to the record and marked B.

The above were interpreted to the prisoners.

The judge-advocate then announced the testimony for the prosecution closed.

TESTIMONY FOR DEFENSE.

SCAR-FACED CHARLEY, an Indian, called for the defense; is cautioned against committing perjury, sworn, and testified as follows through the interpreter:

Question. By Captain Jack, (through the interpreter.) Tell about Link-River Jack coming and giving us powder and stuff.—Answer. The first time was down here at Ellen's, at the east end of the lava-bed; we were attacked there by the soldiers, and there were some Klamath Lake Indians along with the soldiers there, and they told us not to shoot at them but to shoot at the soldiers; the Klamaths did. We were all speaking of the Modoc tribe; I and my band. We killed one soldier down close to Louis Land's, at the east end of the lava-bed, when they were coming from Fort Bidwell, I believe.

Q. When was this?—A. That was directly after the fight at Lost River. The Klamath Lake Indians told me that they did not expect to be friends to the soldiers all of the time; that they would be our friends

after a while; after that then they came with the soldiers to our stronghold in the lava-bed and fought us; the Klamath Lake Indians did. In the fight there were ten of them came to us, and they gave us most of the ammunition we had; we took some of it and some of it was given to us; the Modocs got it from the Klamath Lakes; one in particular, "One-eye" or "Link-River Jack," gave us ammunition and guns. They got back one gun from us. They came to talk with us, and Scar-Faced Charley got eighty caps from one Klamath Lake Indian. They bought them of the Klamaths. The Klamath Lakes said to us "Don't shoot us, shoot the soldiers and let us alone: we are your friends." The Klamath Lakes told me that Allen David told them, when they went, to shoot up in the air. They said, "I don't want to shoot any of you; I listened to what Allen David told me; I held up my gun and I didn't want to shoot at any of you." That is what the Klamath Lakes said. One-eye Link-River gave Captain Jack twenty caps. One-eye Link-River then gave his powder-horn full of powder to Indian George, a Modoc; he poured it all out and gave it all to him that was in his horn. My tribe took a gun and one pistol away from them, and the reason of it was that they had stolen our horses and taken them away; the Klamath Lakes had. I never knew of Allen David telling the Indians to murder General Canby. I came up on the 11th of April, after the commissioners were killed. I was speaking of the powder and caps. Our tribe caught Little John and took him to our camp. Little John talked a long time to us and told us not to fight them; that they never would fight the Modocs. The day before the fight of January 17th, Little John told me to fight hard the next day and whip the soldiers and kill all we could; that Allen David had told him to tell us so, and to shoot up in the air and not to shoot at the Indians that were with the soldiers; that is Allen David. We said to Little John, "Don't you lie to us; you are the first ones who have tried to raise a fight and now you come and tell us you are our friends, to come and fight the soldiers." Little John said, "I don't lie; Allen Dave sent me here with this message." The whole tribe was there on one of these occasions. No white men ever told us to fight. Little Link-River John told me the Indians on the Yanax reservation were mad at us and wanted to kill us all. That they never wanted to see us any more. Schonchis never advised us to fight; Schonchis of the Yainax reservation, I mean; not this one, he would not talk with us. Link-River John told us that the Indians at Yanax were all afraid, but that the Klamath Lakes were not afraid, and advised us to fight. I have never seen Modoc Sally. The way we got the most of our ammunition was after the fight of the 17th January last; we went round and picked up the cartridges; and the Klamath Lakes gave us some; and we opened the cartridges and got out the powder and then made bullets out of the lead in them. We had plenty of caps. In the fight of the 17th the Klamaths laid down, and after the soldiers moved on then I came to them and asked them who was their chief, and they told me that Link-River John was. There is where they gave us this ammunition and stuff. They said they came there to lay down behind the rocks to see us so they could get a chance to give us ammunition and powder. After the soldiers quit fighting, we were then going home to our stronghold, all going along together, and we saw three Indians lying down behind the rocks; this was after they had given us the powder. The Klamath Lakes told us not to shoot them, that they were our friends: and I drew my pistol out and told them that they were the cause of the fight, that they had urged it on; and they said no, that they were always our friends. We had a long talk. I told them then to leave all

the ammunition that they had and could get; to pile it under a rock there where we were and I would get it. I told them, "You say you are our friends and I want to see whether you are or not." "To see whether you will leave your cartridges and things here for us or not." I went the next day and found the ammunition there. There was a flour-sack half full; I got one hundred rounds of ammunition myself that they had left there. I then asked the Klamaths if they were telling the truth, and they said they were; that Allen David had told them to tell me that they would not fight us; that when they went there they went to shoot up to make the soldiers believe they were our enemies, but they were our friends. That is all I know.

Captain Jack said that he had no other questions to ask this witness.

The judge-advocate had no questions to put.

Q. By commission. Where were you at the time of the massacre of the peace commissioners? Locate your position as near as possible.—A. At the time they began firing I was around at the bend of the lake, about half a mile away.

Q. By commission. Which, if any, of these prisoners were present with the peace commissioners at the time of the massacre?—A. George was one—Boston, Captain Jack, Hooker Jim, Bogus Charley. There were seven started out from the cave. Sconchis was there, and Shacknasty Jim. After Captain Jack and his band started, Barncho and Sloluck started and came out.

Q. By commission. Could you see the Indians firing on the commissioners?—A. I saw Captain Jack get up and walk back, and then after that I heard firing and saw them running.

Q. By commission. Whom do you mean by "them?"—A. Captain Jack and his band.

DAVE, a Modoc, called for defense, warned of the penalties of lying, duly sworn.

Question. By Captain Jack, (through interpreter.) What do you know about Lalake, and what he done?—Answer. Lalake, Klamath sub-chief, told me at Fairchild's that Allen David had told him to tell the Modocs to fight, and not to give up to the soldiers—not to make peace. Allen David's Indians all listened to him, and done what he said for them to do. I saw Lalake at Fairchild's. Lalake, and Modoc Sally and her man, came there while Meacham was there. I went into the house where he was, and Lalake came and asked me to shake hands. It was a good while before I would shake hands with him. He said, "I came here to see you all; I want to talk with you. I have been up to Yanax, and have had a talk, and tried to get a pass to come here, but I could not." Lalake asked me, "Why don't some of you come over and have a talk? Allen David said he didn't know what was the matter that we didn't come to have a talk." Lalake told me that Allen David said he wanted to know who was our big chief—Sconchis or Jack—"that he was ashamed that he had not seen anything of them; that his heart was with us, and he told us never to give up to the soldiers, but to fight." Allen David sent this message to Jack and his people through Lalake, that he was ashamed that he had not told the Modocs before, and made arrangements with them before the Lost River fight, in 1872, so that he might have been with them and helped them out. Lalake told me that some white man had told the Klamaths that Captain Jack had burnt one of the Klamaths. Allen David sent Captain Jack a message then, and wanted to know why he had made his, David's, message known so soon. He was ashamed that after he had sent him as good talk as he

had, that he had told it. Why didn't he keep it a secret? He said, "The Klamaths are your friends and have given you ammunition, and will give it you whenever you want it."

Captain Jack had no further questions to put the witness.

The judge-advocate declined to cross-examine.

The commission had no questions to put.

ONE-EYED MOSE, Indian, called for the defense, warned of the penalties of perjury; sworn; testified as follows:

Captain JACK. Tell about Link River Jack?—Answer. I saw Link River Jack a little south of where the first fight took place on Lost River; I had two squaws with me. Link River Jack came there and wantd to see some one; he wanted, he said, to be a friend to us. After he seen us he told us the soldiers were close by, and for us to leave; this was the same day of the Lost River fight. Another Indian, Link River One-Eye, came and asked us if we had any caps, and we told him we didn't have many. He gave me seven; he gave Barncho seven caps, and George twenty-seven; he then gave us powder that he had.

Captain JACK stated he had no further testimony to elicit from this witness.

The judge-advocate declined to cross-examine.

The commission had no questions to ask.

The judge-advocate then inquired of each prisoner successively if they had any witnesses to summon. Jack having stated that he had no more witnesses to summon, each replied in the negative.

Captain JACK thereupon made the following address to the commission, through interpreter:

I will talk about Judge Roseborough first; he always told me to be a good man; he said, "I know the white man's heart, but not the Indian's heart so well." Roseborough never gave me any advice but good advice. I have known a great many white people; I have known there was a great many of them had good hearts; I don't know all of the Indian chiefs around, and I don't know what their hearts were. Judge Roseborough told me to be a good man, and do the right thing by my fellow-man. I considered myself as a white man; I didn't want to have an Indian heart any longer; I took passes from good white men who gave me good advice. I knew all the people that were living about the country, and they all knew I was an honest man, and that I always acted right, nor did anything wrong. You men here don't know what I have been heretofore; I never accused any white man of being mean and bad; I always thought them my friends, and when I went to any one and asked him for a pass, he would always give it to me; all gave me passes, and told those people who had to pass through my country that I was a good Indian, and had never disturbed anybody. No white man can say that I ever objected to their coming to live in my country; I always told them to come and live there, and that I was willing to give them homes there. I would like to see the man that ever knew me to do anything wrong heretofore; I have always dealt upright and honest with every man; nobody ever called me mean, except the Klamath Indians; I never knew any other chief who spoke in favor of the white men as I have done, and I have always taken their part, and spoken in favor of them; I was always advised by good men in Yreka, and about there, to watch over white men when traveling through my country, and I have taken their advice and always done it. I would like to see the man who started this fuss, and caused me to be in the trouble I am in now.

They scared me when they came to where I was living on Lost River,

and started this fight. I cannot understand why they were mad with me. I have always told the white man heretofore to come and settle in my country; that it was his country and Captain Jack's country. That they could come and live there with me and that I was not mad with them. I have never received anything from anybody, only what I bought and paid for myself. I have always lived like a white man, and wanted to live so. I always tried to live peaceably and never asked any man for anything. I have always lived on what I could kill and shoot with my gun, and catch in my trap. Riddle knows that I have always lived like a man, and have never gone begging; that what I have got, I have always got with my own hands, honestly. I should have taken his advice. He has always given me good advice, and told me to live like a white man; and I have always tried to do it, and did do it until this war started. I hardly know how to talk here. I don't know how white people talk in such a place as this; but I will do the best I can.

The judge-advocate. Talk exactly as if you were at home, in a council.

JACK, continuing. I have always told white men when they came to my country, that if they wanted a home to live there they could have it; and I never asked them for any pay for living there as my people lived. I liked to have them come there and live. I liked to be with white people. I didn't know anything about the war—when it was going to commence. Major Jackson came down there and commenced on me while I was in bed asleep. When Meacham came to talk to me, he always came and talked good to me. He never talked about shooting, or anything of that kind. It was my understanding that Ivon Applegate was to come and have a talk with me, and not to bring soldiers, but to come alone. I was ready to have a talk with any man that would come to talk peace with me. The way I wanted that council with Applegate to come off, was, I wanted Henry Miller to be there and hear it. He always talked good to me and gave me good advice. Miller told me he wanted to talk with me, and wanted to be there when Applegate met me, and wanted to talk for me and with me. Dennis Crawley told me he wanted to be there to talk with me when Applegate came. He told me I was a good man, and he wanted to see me get my rights. It scared me when Major Jackson came and got there just at daylight, and made me jump out of my bed without a shirt or anything else on. I didn't know what it meant, his coming at that time of day. When Major Jackson and his men came up to my camp, they surrounded it, and I hollored to Major Jackson for them not to shoot, that I would talk. I told Bogus Charley to go and talk, until I could get my clothes on. He went and told them that he wanted to talk; that he didn't want them to shoot. Then they all got down off their horses, and I thought then we were going to have a talk; and I went into another tent. I thought, then, why were they mad with me; what had they found out about me, that they came here to fight me. I went into my tent then and sat down and they commenced shooting. My people were not all there; there were but a few of us there. Major Jackson shot my men while they were standing round. I ran off; I did not fight any. I threw my people away that they had shot and wounded. I did not stop to get them. I ran off, and did not want to fight. They shot some of my women, and they shot my men. I did not stop to inquire anything about it, but left and went away. I went then into the lava-beds. I had very few people, and did not want to fight. I thought I had but few people, and it was not of any use for me to fight.

and so I went to the lava-beds. While I was on my way to the cave, there was a white man came to my camp. I told him the soldiers had pitched onto me, and fired into me while I was asleep. but I would not hurt him—for him to go back to town, home. I went into the lava-beds and staid there. I didn't go to any place, I did not want to fight, and I did not think about fighting any more. I didn't see any white men for a long time. I didn't want to kill anybody. I went to my cave and there I staid. John Fairchild came to my house, and asked me if I wanted to fight, and I said no, I had quit fighting, that I did not want to fight any more—him nor anybody. The Hot Creek Indians then started for the reservation and got as far as Bob Whittle's, on Klamath River, and there the Linkville men scared them and they ran back. They were going to kill them. Then the Hot Creeks came to my camp and told me the whites were going to kill them all. They got scared by what the white men had told them, that they were going to kill them all.

There were some of the Indians I left at Fairchild's; they were talking about bringing them by the way of Lost River. They ran off too. When they all got to my place I told some of them to go back to Fairchild's. The Hot Creek Indians came from the other side and came to my place. Hooker Jim came from this side, the east side of Lost River or Tule Lake, and they came around the lower end of Tule Lake and came to my place. I didn't know anything of any settlers being killed until Hooker Jim came with his band and told me. I didn't think that they would kill the whites when they went around that way. I did not believe it. I did not want them to stay with me. None of my people had killed any of the whites, and I had never told Hooker Jim and his party to murder any settlers; and I did not want them to stay with me. I don't know who told them to kill the settlers. I always advised them *not* to kill white people. I told Hooker that I never had killed any white person, and never had advised him to kill them; that he killed them of his own accord, not from my advice. I thought all of the white men liked me that was living in my country. I always thought they did. They always treated me well. (To Hooker Jim:) What did you kill those people for? I never wanted you to kill my friends. You have done it on your own responsibility.

Then I thought that, after hearing that those white people had been killed, that the whites would all be mad at me. And it troubled me and made me feel bad. I told them it was bad, and they ought not to have done it. I knew that the white people would be mad at me just on account of this Hooker Jim killing so many white people when he had no business to do it. After I had left Lost River, I had quit then, and I had not fought any, and did not intend to fight any more. Fairchilds told me that that was bad; that they had killed the settlers; that it was wrong; and if they did not quit fighting there, the chances were the soldiers would all come on us again and kill us all, if we did not make peace then. I told Fairchilds that I did not want to fight any more; that I was willing to quit if the soldiers would quit. Fairchilds then never came to my house any more for a long time after the Indians that were stopping with him had run off. He was afraid to come then any more. It was a long time that I heard nothing from him. Nobody came to my place, and I could not get any news. After a great while Fairchilds came again with a squaw, and told me I had better make peace, for the white people were all mad at us. For a good while then there was nothing going on, and again the soldiers came there. When the soldiers came they came fighting and fought all day. The first day the soldiers

got there they fought a little; the next day, all day. The soldiers came and they fought a part of two days and then went away again.

Link River John came and told me not to be mad at them. I told them that I never had killed anybody and never wanted to. When Fairchilds came in to see me I told him I was not mad at anybody, and did not want to fight, and did not want any more war. I told Fairchilds I did not know what they were mad with me about; that I was willing to quit fighting; willing for both sides to quit it and live again in peace. I told him that I did not want the Lost River country any more; that as there had been trouble about that, I wanted to go to some place else and live, and did not want to live there any more. I told them there had been blood spilt there on Lost River, and that I did not want to live there; that I would hunt some other place and live; and that I was willing to quit fighting if they would let me alone. I do not deny telling Fairchilds, or anybody else, that I wanted to talk good talk. I always wanted to talk good talk. I wanted to quit fighting. My people were all afraid to leave the cave. They had been told that they were going to be killed, and they were afraid to leave there; and my women were afraid to leave there. While the peace talk was going on there was a squaw came from Fairchilds and Dorris's, and told us that the peace commissioners were going to murder us. That they were trying to get us out to murder us. A man by the name of Nate Beswick told us so. There was an old Indian man came in the night and told us again.

The INTERPRETER. That is one of those murdered in the wagon while prisoners by the settlers.

CAPTAIN JACK, (continuing.) This old Indian man told me that Nate Beswick told him that that day Meacham, General Canby, Dr. Thomas, and Dyer were going to murder us if we came at the council. All of my people heard this old man tell us so. And then there was another squaw came from Fairchilds and told me that Meacham and the peace commissioners had a pile of wood ready built up, and were going to burn me on this pile of wood; that when they brought us into Dorris's they were going to burn me there. All of the squaws about Fairchilds and Dorris's told me the same thing. After hearing all this news I was afraid to go, and that is the reason I did come in to make peace.

Riddle and his woman always told me the truth, and advised me to do good, but I have never taken their advice. If I had listened to them instead of to the squaws, that were lying all of the time, I would not have been in the fix that I am in now.

The reason that I did not come when the wagons came after me was, this squaw had come the night before and told me they were going to burn me, and I was afraid to come. I can see now that the squaws at Fairchild's and Dorris's were lying to me all the time; and Bob Whittles's wife lied to me. If I had listened to Riddle I would have been a heap better off. Bob Whittles's came to see me and she told me that I was not her people, and she did not want to talk anything good to me. She always gave me bad advice. She told me that if she did not come back again right straight, that I might know the soldiers would be on to me the next day to fight me.

I have told you about the advice that I heard and the main cause of my never coming in and making peace. I was afraid to come. I don't consider myself, when you came to have a talk with me, the chief then. When you, and the reporters came in the cave with you, I didn't know what to say; I didn't know anything about fighting then, and didn't want to fight. Your chief makes his men mind him and listen to him, and they do listen to what he tells them, and they believe him; but my

people won't. My men would not listen to me. They wanted to fight. I told them not to fight. I wanted to talk and make peace and live right; but my men would not listen to me. The men that were in the cave with me never listened to what I said; and they cannot one of them say, and tell the truth, that I ever advised them to fight. I have always told my people to keep out of trouble; that when I met in council I wanted to meet in peace and in a friendly way. I told them when they would not listen to me, that if they wanted to fight, and would fight, they would have to fight; but they would not do so from anything that I told them; that it was against my will to fight.

By my being the chief of the Modoc tribe, I think that the white people all think that I raised the fight and kept it going. I have told my people that I thought the white people would think that about me; and I didn't want to have anything to do with it; that if they wanted to fight they would have to go on their own hook.

Hooker Jim was one that agitated the fighting: that wanted to fight all of the time. I sat over to one side with my few men and did not say anything about fighting. Now I have to bear the blame for him and the rest of them.

Schonchis was with Hooker Jim; he was on Hooker Jim's side. I was by myself with my few men that I had, and did not have anything to say. They were all mad at me. Then I would think that the white people would think that I was the cause of all this fuss; and then I would think again that they surely could not think so, when they knew that these other men had committed these murders. I would talk to them, but they would not listen to me. I told them that I liked my wife and my children, and I did not want any trouble, but wanted to live in peace; but they would not listen to what I would say. I had not done anything. I had not shot anybody. I never commenced the fight. Hooker Jim is the one that always wanted to fight, and commenced killing and murdering. When I would get to talking they would tell me to hush! that I didn't know anything; that I was nothing more than an old squaw. I and Hooker Jim had a fuss, and I told him that I had not done anything mean; that he had been murdering the settlers. And I got my revolver, and if I could have seen him through the canvas I would have killed him. I thought that I would kill him; and I wanted to kill him, for he is the one that murdered the settlers on Tule Lake. I thought that the white people were mad because I was living on Lost River, and that they wanted that land there; that is what I thought when the fight commenced. I then had a fuss with another Indian because I got mad at Hooker Jim—an Indian called George. George and I had a quarrel, and he told me I was nothing but an old squaw; that I never had killed anybody; that he had killed white people and had killed lots of soldiers—him and Hooker Jim. Hooker Jim said, "You are like an old squaw; you have never done any fighting yet; we have done the fighting, and you are our chief. You are not fit to be a chief." I told him that I was not ashamed of it; that I knew I had not killed anybody, and I did not want to kill anybody, and I would have felt sorry if I had killed any white people. They told me that I was laying around in camp and did not do anything, but lay there like a log, and they were traveling around and killing people and stealing things. That they, Hooker and George, were not afraid to travel. They said "What do you want with a gun? you don't shoot anything with it. You don't go any place to do anything. You are sitting around on the rocks." I told them that I knew and was not ashamed to be called an old squaw; that I thought I done my duty by telling them to keep the peace; but they

would not listen to me. I told them that they run around and committed these murders against my will. Scar-faced Charley told me that he would go with Hooker and them; that he could fight with them; that I was nothing but an old squaw. I told them then if that was what they were going to do, why they could go on their own responsibility; that I did not want to go with them; that I did not want to live with them. Scar-faced Charley will tell everything that he knows. He don't want to keep anything back; neither do I want to keep anything back.

Captain JACK then requested to be allowed to suspend further remarks, and to continue to-morrow, which request was granted.

SCHONCHIS being asked by the judge-advocate if he had anything to say, made the following remarks:

When I was camped on Lost River I was scared by the soldiers. I was living there in peace, killing ducks. I was out ducking, and I looked over and I could see them fighting. It scared me, and I wondered what was the matter. I looked on each side of me, and I saw the fire on each side, and I wondered what was the matter; this was the first fight on Lost River, in November, 1872. I seen the fire on each side of me, and I started for the fire. I wondered to myself if the soldiers and Indians were fighting, and wondered what it was about; and wondered who was the cause of the fight, and how the fight could take place there, and why the soldiers came to kill my children. I wondered where a chief could come from that was mad with me. I didn't know why they should come to fight me and my children. I saw the Indians putting their guns and their wounded Indians into a canoe. When I got to where the fight had taken place, the Indians had all gone. I wondered who had set the grass afire there or the houses. I wondered what they wanted to burn up my house for. I started then for the mountains. I went to hunt my family. I overtook Hooker Jim in the mountain; I told him not to go. Hooker Jim told me that there were two of our men killed. Hooker Jim was very mad, and kept on in the mountains. I told him not to fight, but to go to the mountains and stay there. I told him to make haste and get into the mountains. I followed him for a long ways, and talked to him until I got beyond a little hill down on Tule Lake, and then I quit talking to him there. Hooker Jim seen four white men there. I didn't see them. I was afoot; Hooker Jim and three or four others were riding. They went on down to the lake. There I left them, and didn't know what they had done. After Hooker Jim and I had parted, my son then went and followed Hooker up. I told him not to go. I went out to one side and sat down on a log, and sat there for a long time. I looked over toward Lost River, and seen the soldiers coming. When I seen the soldiers coming I struck out for the mountains. Then I came down off of the mountains and went on to the flat of Tule Lake. I met Curly-Headed Doctor down in the settlement where the whites were living, after he had killed the settlers. I talked to them, and told them not to do it; but they would not listen to me. I went down toward the east end of Tule Lake and saw two white men. I have no more to say.

The judge-advocate then asked the remaining prisoners severally if they had anything to say, to which they replied in the negative.

The court then adjourned to meet at 9½ a. m. the following day, July 9th.

H. P. CURTIS,
Major, Judge-Advocate U. S. A.,
Judge-Advocate Military Commission.

FIFTH DAY.

FORT KLAMATH, OREGON, *July* 9, 1873.

The commission met according to adjournment

Present, all the members named in the detail, the judge-advocate, and the prisoners.

The proceedings of the last meeting were read and approved.

CAPTAIN JACK, prisoner, continued his remarks to the commission as follows:

The four scouts have told you they didn't know anything about the murder of General Canby; and they advocated the murder of General Canby with me. The Indians that told that the talk took place in my house about the murder of General Canby, lie. It was their own house it took place in. I don't want to keep anything back. I do not want to tell a lie about it. I would like to know why they told that they did not want to fight; or didn't say anything in regard to fighting. They all talked to me and were all in with it, because we didn't want to move off to any country that we didn't know anything about. I would like to know why Hooker Jim could not tell who he wanted to kill when he went out there. He says he went there to kill a man; but he would not tell the man he wanted to kill. Meacham was the man that he wanted to kill. Them four scouts knew all about it; and they were in our councils when we were holding councils, and they all wanted to kill the peace commissioners; they all advised me to do it. I thought that it would all be laid on to me, and I wondered to myself if there could be any other man that it could be laid upon.

Another thing that made me afraid to meet the commissioners, the Indians lied to me and told me that Dr. Thomas and the other peace commissioners had pistols with them, and wanted to kill us. I told them that I didn't see any pistols with anybody, and they surely must have lied. I told them that I did not want to have any trouble with the peace commissioners; that I did not want to kill them. Hooker Jim, he said that he wanted to kill Meacham, and we must do it. That is all I have got to say.

Here the testimony closed.

The judge-advocate then addressed the commission as follows:

I did not intend to say a single word in reference to the evidence, nor do I intend to now. But Captain Jack has cast some imputations upon the military and moral character of Major Jackson, which it seems to me to be my duty to do away with if I can.

Captain Jack states in his speech, that at the affair on Lost River, Major Jackson came upon him in the early morning and surprised him, and killed his women, and killed some of his men; that he fired upon them without provocation, and so much to his surprise as to compel him to jump out of his bed without his shirt; and he expressed great surprise that the attack should have been made upon him. He says he wondered at the time why they should be mad at him.

It is a perfectly well-known fact that there is a treaty existing between the United States and the Modocs, by which the Modocs are obliged to remain upon the Yainox reservation; and that this section of the band had been recreant to their duty, and had persisted in remaining off the reservation, very much to the annoyance, and, I might say, to the terror of the inhabitants of that region where they lived; a terror which has been justified by subsequent events. Twice, I think, Mr.

Meacham was compelled to restore them to the reservation; and I understand, and I believe it is well known, that at the time of the Lost River affair, they were then persistently refusing to return to the reservation, and Mr. Odeneal, the then superintendent, found he must call upon the military to restore them to the reservation. They were in the wrong in remaining off the reservation, and in refusing to return. Major Jackson was thereupon directed, in compliance with the request of Mr. Odeneal to the post commander, Major Green, to go with his force and compel them to return.

The following is the order:

EXHIBIT C.

[Orders No. 937.]

HEADQUARTERS FORT KLAMATH, OREGON,
November 28, 1872.

In compliance with the request of the superintendent of Indian affairs for Oregon, dated Link River, November 27, 1872, Capt. James Jackson, First Cavalry, with all the available men of his troop, will proceed at once via Link River to Captain Jack's camp of Modoc Indians, endeavoring to get there before to-morrow morning, and if any opposition is offered on the part of the Modoc Indians to the requirements of the superintendent, he will arrest, if possible, Captain Jack, Black Jim, and Scar-faced Charley. He will endeavor to do all this without bloodshed, if possible, but if the Indians persist in refusing to obey the orders of the Government, he will use such force as may be necessary to compel them to do so, and the responsibility must rest on the Indians who defy the authority of the Government.

Captain Jackson is authorized to make any expenditures that may be necessary for the accomplishment of this object.

The post-quartermaster will send a pack-train with supplies to follow the troop, and he is authorized to hire such packers as may be necessary.

The troop will carry three days' rations on their saddles.

Assist. Surg. Henry McElderry and Lieutenant Boutelle, acting post-adjutant, will accompany the expedition.

By order of Maj. John Green:

F. A. BOUTELLE,
Second Lieutenant First Cavalry.

A true copy:

GEO. B. KINGSBURY,
Second Lieutenant Twelfth Infantry, Post-Adjutant.

This paper shows that the actions of Major Jackson were strictly in compliance with orders in enforcing the stipulations of the treaty, by compelling these Modocs to return to their reservation, which they had persistently refused to do.

In order to refute the imputations upon Major Jackson's character, which have been cast upon it by Captain Jack, as I believe most unjustly and falsely, I know no better way than reading the official report made by Major Jackson to Major Green, of the First Cavalry, commanding the post at Fort Klamath, on the 2d day of December, three days after the affair at Lost River. This is a duplicate of his official report, corrected and signed by Maj. James Jackson, himself, in my presence, a few days ago, and marked by him as a duplicate. It may be relied upon as absolutely accurate. It is an official report, and is therefore equivalent to a statement under oath, or nearly so. Whatever he says as coming under his own observation may be relied upon with absolute confidence, and is open to no possible dispute. Much of it is information received by him from others, it is true; but known to be not in any degree the less accurate for that reason.

EXHIBIT D.

CAMP AT CRAWLEY'S RANCH,
Lost River, Oregon, December 2, 1872.

MAJOR: I sent you two days ago a hasty report of operations in the field. I have now the honor to submit a detailed report of my operations since I left Fort Klamath, Oregon. In compliance with your order No. 93, November 28, 1872, I moved from Fort Klamath, Oregon, at 11 o'clock a. m., with Lieutenant Boutelle, Dr. McElderry, thirty-six men of B Troop in column, and four with the pack-train.

Guided by Mr. Ivan Applegate, we marched all day and night through a heavy rain-storm, and arrived at the principal camp of the Modoc Indians about daylight. Forming line, I moved down on the camp at a trot, completely surprising the Indians, and creating great commotion among them. Halting just at the edge of the camp, I called to them to lay down their arms and surrender. I also got Mr. Applegate to interpret to them my intention, and ask them to comply with the orders of the Indian Department. Some of them seemed willing to do so, but Scar-faced Charley, Black Jim, and some others kept their guns, and commenced making hostile demonstrations against us. After repeated demands on them to lay down their arms and surrender had been unheeded, and seeing that the hostile Indians were getting more numerous and determined, I directed Lieutenant Boutelle to take some men from the line, and arrest the leader, if possible. This order was followed by firing on the part of the Indians, and a general engagement ensued. I poured in volley after volley among the worst men, killing the worst of them, capturing the camp, and driving the Indians to the refuge of the brush and hills, from whence they kept up a desultory fire for some little time.

I lost, during the engagement, and almost at the first fire, one man killed, and seven wounded, and one horse killed. After driving the Indians out of range, it became necessary to take care of the wounded to prevent the squaws remaining in camp from killing and mutilating them.

Leaving a slight skirmish-line in charge of Lieutenant Boutelle, I took what men could be spared and had the dead and wounded carried to the river-bank, and carried to Rawley's ranch, about half a mile below. I then dismantled the camp, capturing Jack's three rifles and his two saddles. All Indian guns found in camp were broken up or thrown into the river. At the same time that I arrived on the main camp of the Modocs, a smaller camp on the north side of the river was attacked by ten citizens, among them Mr. Oliver Applegate, Mr. O. T. Brown, of Linkville, Mr. Jack Burnett, of Radburg, Mr. Dennis Crawley, of Linkville, Mr. C. Monroe, of Linkville, Mr. Thurbur, Mr. Caldwell, and others; they also demanded the surrender of these Indians, which was not acceded to, and when the firing commenced on the main camp, they opened fire on the citizens and the citizens on them. One citizen (Mr. Thurber) was killed, and it is believed several Indians were killed and wounded. The citizens, after the first attack, retired to Mr. Crawley's ranch, and kept up the fire at long range, preventing the Indians from crossing the river and attacking my flank or rear. Two citizens coming up the road, and not knowing of the fight, were shot, one mortally and the other dangerously wounded. Soon after the fight, Mr. Applegate, Mr. Brown, Mr. Burnett, and some others, left to warn citizens in other places of danger, leaving but a small force at the house where my wounded had been sent, and where a family resided. Mr. Crawley rode up and asked for protection at the ranch, stating that the Indians were preparing for a new attack. I mounted the command and moved out at a trot for the ford, some eight miles up the river, sending Lieutenant Boutelle with a skirmish-line to clear the Indians out of the sage-brush, which he did effectually. It was between 3 and 4 o'clock when the troop arrived at the ranch, where we took post, to await supplies and care for the wounded. While moving around to the ranch, some straggling Indians collected on the other side of the river and burned a hay-stack and house belonging to Mr. Monroe; after this they moved out, down Tule Lake, for their refuge in the caves and rocks south of the lake. One band from the north side of the river, who had been fighting the citizens, moved down on that side of the lake during the fight, and commenced killing the unarmed inhabitants of Tule Lake Valley.

It was not until the next morning after the fight, while sending the wounded away in charge of the surgeon, that I learned there were any inhabitants near the scene of the conflict, or that they had been unwarned of approaching danger. I immediately sent a detachment with Mr. Crawley to ascertain the condition or fate of these people. He visited the first place, Mr. Boddy's, about three and a half miles below his (Mr. Crawley's) ranch, and found the house deserted, but everything in order, no sign of attack or murder, no tracks around the house, a dog tied to the door-step, and animals in the corral. Thinking, from appearances, that the family must have had warning and fled, believing that the warning had been carried down the valley, he came back and so reported.

That evening, November 30, I moved to the ford to meet the supply-train and prevent its being intercepted by prowling bands of Indians. The pack train came up at

midnight, and the next morning, December 1, the command was moved back to Crawley's ranch for station until such time as supplies sufficient for a campaign could be collected. The evening of December 1, two citizens, residents of Tule Lake Valley, came in and reported that the men of the Boddy family had been murdered right after or during the fight by the band of Indians who had escaped, and that the women of the family had not been molested, but had walked across the mountains to Lost River bridge, and were then at Linkville.

Lieutenant Boutelle with a detachment was sent down with these men this morning, and some of the bodies of the Boddy family found in the timber, quite a distance from the house, where they had been cutting and hauling wood. The detachment was proceeding on down the valley, when they were met by Mr. Ivan Applegate, Mr. Langell, and some others who had come up the valley, visiting the ranches on the north side of the lake. They reported the killing of the men of the Brotherton family, (3,) two herders, and Mr. Henry Miller. Mrs. Brotherton and her two little boys had fought the Indians away from the house, wounding some of them; she with her three children, two boys and a little girl, came up with the party of citizens and soldiers, and are now at this station. Quite a party of citizens have collected here. To-morrow quite a large force will move down the valley to hunt up the remains of the murdered inhabitants. I send you a list of those known or supposed to have been killed: Mr. William Boddy, Rufus Boddy, William Boddy, jr., Nicholas Sheaver, William Brotherton, W. K. Brotherton, Rufus Brotherton, Christopher Erasmus, Robert Alexander, John Soper, —— Collins, Mr. Henry Miller.

I have sent a detachment to Clear Lake for the protection of Mr. Jesse Applegate's family, and will move the infantry you send me into Langell Valley and Clear Lake, the only places now threatened.

A company of Klamath Indians, thirty-six in number, commanded by Captain Farre, of Klamath Indian agency, came in to-day, and will go out on the trail of the Modocs to-morrow, to hunt them up and keep them from raiding until the troops can move upon their hiding-places. I think it will be necessary to make a depot of supplies at this point, as beyond this, in the direction the Indians have gone, wagons cannot be moved any distance, and the troops have to depend on a pack-train for supplies.

The troop behaved splendidly under fire, although a number of the men were raw recruits.

Doctor McElderry was present in the field during the fight, and I take great pleasure in recommending him and Lieutenant Boutelle for coolness, gallantry, and efficient service.

I am, sir, very respectfully, &c.,

JAMES JACKSON,
Captain First Cavalry, Commanding B Troop.

Maj. JOHN GREEN,
First Cavalry, Commanding Fort Klamath, Oregon.

The only portion of this official report upon which I rely is that containing Major Jackson's statements of what he himself saw. He touches at some length upon the massacres in Tule Lake or Lost River Valley in 1872, but, certain as it is that they took place, of them he *knows* nothing, as appears from his own account, or knows it only from information derived from eye-witnesses.

I do not accuse Captain Jack of any participation in those murders. I acquit him of them entirely. I know almost to a demonstration that he was ignorant of their occurrence until after they had taken place. I have investigated that matter somewhat since I have been here, and I do not believe he was concerned in them or knew of them in advance. Nor am I sure there exists sufficient legal testimony to identify the individuals of that party by whom that massacre was committed. I acquit Captain Jack of that. But when he accuses Captain Jackson of having acted in an unmilitary manner, by opening a fire upon him in his bed, and killing his women without notice, I deem it my duty, in vindication of Major Jackson's character, to submit to this commission the official report made by Major Jackson himself. I submit the case without further remark.

The commission was then closed for deliberation, and having maturely considered the evidence adduced, find the prisoner, known as Captain Jack, as follows:

Of the first specification, charge 1, "Guilty."
Of the second specification, charge 1, "Guilty."
Of charge 1, "Guilty."
Of first specification, charge 2, "Guilty."
Of second specification, charge 2, "Guilty."
Of charge 2, "Guilty."

And the commission does therefore sentence him, Captain Jack, to be hanged by the neck until he be dead, at such time and place as the proper authority shall direct; two-thirds of the members of the commission concurring therein.

And the commission do find the prisoner known as Schonchis as follows:
Of the first specification, charge 1, "Guilty."
Of the second specification, charge 1, "Guilty."
Of the first charge, "Guilty."
Of the first specification, charge 2, "Guilty."
Of the second specification, charge 2, "Guilty."
Of the second charge, "Guilty."

And the commission do therefore sentence him, Schonchis, to be hanged by the neck until he be dead, at such time and place as the proper authority may direct, two thirds of the members of the commission concurring therein.

And the commission do find the prisoner, Boston Charley, as follows:
Of specification 1, charge 1, "Guilty."
Of specification 2, charge 1, "Guilty."
Of charge 1, "Guilty."
Of specification 1, charge 2, "Guilty."
Of specification 2, charge 2, "Guilty."
Of charge 2, "Guilty."

And the commission do therefore sentence him, Boston Charley, to be hanged by the neck until he be dead, at such time and place as the proper authority shall direct, two-thirds of the members of the commission concurring therein.

And the commission do find the prisoner, Black Jim, as follows:
Of specification 1, charge 1, "Guilty."
Of specification 2, charge 1, "Guilty."
Of charge 1, "Guilty."
Of specification 1, charge 2, "Guilty."
Of specification 2, charge 2, "Guilty."
Of charge 2, "Guilty."

And the commission do sentence him, Black Jim, to be hanged by the neck until he be dead, at such time and place as the proper authority shall direct; two-thirds of the members of the commission concurring therein.

And the commission do find the prisoner, Barncho, as follows:
Of specification 1, charge 1, "Guilty."
Of specification 2, charge 2, "Guilty."
Of charge 1, "Guilty."
Of specification 1, charge 2, "Guilty."
Of specification 2, charge 2, "Guilty."
Of charge 2, "Guilty."

And the commission do therefore sentence him, Barncho, to be hanged by the neck until he be dead, at such time and place as the proper authority may direct; two-thirds of the members of the commission concurring therein:

And the commission do find the prisoner, Schlolnck, or Cok, as follows:

Of specification 1, charge 1, "Guilty."
Of specification 2, charge 1, "Guilty."
Of charge 1, "Guilty."
Of specification 1, charge 2, "Guilty."
Of specification 2, charge 2, "Guilty."
Of charge 2, "Guilty."

And the commission does therefore sentence him, Scholuck, alias Cok, to be hanged by the neck until he be dead, at such time and place as the proper authority shall direct; two-thirds of the members concurring therein.

W. L. ELLIOTT,
Lieut.-Col. First Cavalry, President Mil. Com.
H. P. CURTIS,
Maj. U. S. A., Judge-Advocate Mil. Com.

The judge-advocate having informed the commission that he had no further business to bring before it, the commission adjourned *sine die*.

W. L. ELLIOTT,
Lieut.-Col. First Cavalry, President Mil. Com.
H. P. CURTIS,
Maj. U. S. A., Judge-Advocate Mil. Com.

The proceedings and findings of the military commission in the above cases of Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, Schloluck or Cok, Modoc Indian prisoners, are approved, and the sentences are confirmed. In compliance with War Department General Order No. 72, July 7, 1873, they are respectfully transmitted to the Bureau of Military Justice, to be laid before the President for his orders.

JEF. C. DAVIS,
Col. and Bvt. Maj.-Genl. U. S. A., Reviewing Officer.

JULY 29, 1873.

EXECUTIVE OFFICE, *August* 22, 1873.

The foregoing sentences in the cases of Captain Jack, Shonchis, Black Jim, Boston Charley, Barncho alias One-Eyed Jim, and Sloluck alias Cok, Modoc Indian prisoners, are hereby approved; and it is ordered that the sentences in the said cases be carried into execution by the proper military authority, under the orders of the Secretary of War, on the third day of October, eighteen hundred and seventy-three.

U. S. GRANT,
President.

WAR DEPARTMENT,
Washington, August 23, 1873.

The foregoing record of the proceedings in the trial by military commission of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho alias One-Eyed Jim, and Sloluck alias Cok, Modoc Indian prisoners, having been transmitted to the President and laid before him for his orders thereon; and the President having in the foregoing orders approved the sentences and directed that they be executed under the orders of the Secretary of War, the sentences will be duly executed under the direction of the general commanding the Department of the Columbia, at Fort Klamath, Oregon, Friday, October 3, 1873.

WM. W. BELKNAP,
Secretary of War.

APPENDIX.

A.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 14, 1873.

I, Columbus Delano, Secretary of the Interior, do hereby certify that the annexed are true copies of the originals on record in this Department.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Department to be affixed, the day and year above written.

[SEAL.]

C. DELANO,
Secretary of the Interior.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 18, 1873.

A. B. MEACHAM,
Fairchild Ranch, California:

Your telegram 13th received; Jesse Applegate discharged from commission at his request, to date February 26. Reverend E. Thomas, of Petaluma, appointed in Applegate's place. Inform General Canby, and call commission together when deemed necessary by you and him.

C. DELANO,
Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1873.

Rev. E. THOMAS,
Petaluma, California:

You have been appointed a member of the peace commission, in place of Applegate, to treat with Modocs.

C. DELANO,
Secretary.

B.

[General Orders No. 100.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 24, 1873.

The following instructions for the government of Armies of the United States in the field, prepared by Francis Lieber, LL. D., and revised by a board of officers, of which Major-General E. A. Hitchcock is president,

having been approved by the President of the United States, he commands that they be published for the information of all concerned:

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[Extracts.]

11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the keeping of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting forces.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

114. So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offense, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

A true copy:

H. P. CURTIS,
Judge-Advocate U. S. A., Judge-Advocate Military Commission.

C.

[Orders No. 93.]

Headquarters Fort Klamath, Oregon,
November 28, 1872.

In compliance with the request of the superintendent of Indian affairs for Oregon, dated Link River, November 27, 1872, Capt. James Jackson, First Cavalry, with all the available men of his troop, will proceed at once, via Link River, to Captain Jack's camp of Modoc Indians, endeavoring to get there before to-morrow morning; and if any opposition is offered on the part of the Modoc Indians to the requirements of the superintendent, he will arrest, if possible, Captain Jack, Black Jim, and Scar-Faced Charley. He will endeavor to do all this without bloodshed, if possible; but if the Indians persist in refusing to obey the orders of the Government, he will use such force as may be necessary to compel them to do so; and the responsibility must rest on the Indians who defy the authority of the Government.

Captain Jackson is authorized to make any expenditures that may be necessary for the accomplishment of this object.

The post-quartermaster will send a pack-train with supplies to follow the troop, and he is authorized to hire such packers as may be necessary.

The troop will carry three days' rations on their saddles.

Asst. Surg. Henry McElvery and Lieutenant Boutelle, acting post-adjutant, will accompany the expedition.

By order of Maj. John Green:

F. A. BOUTELLE,
Second Lieutenant First Cavalry.

A true copy:

G. W. KINGSBURY,
Second Lieutenant Twelfth Infantry, Post-Adjutant.

D.

[Duplicate.]

CAMP AT CRAWLEY'S RANCH,
Lost River, Oregon, December 2, 1872.

MAJOR: I sent you, two days ago, a hasty report of operations in the field. I have now the honor to submit a detailed report of my operations since I left Fort Klamath, Oregon. In compliance with your order No. 93, November 28, 1872, I moved from Fort Klamath, Oregon, at 11 a. m., with Lieutenant Boutelle, Doctor McElderry, thirty-six men of B Troop in column, and four with the pack-train. Guided by Mr. Ivan Applegate, we marched all day and night through a heavy rain-storm, and arrived at the principal camp of the Modoc Indians about daylight.

Forming line, I moved down on the camp at a trot, completely surprising the Indians and creating great commotion among them. Halting just at the edge of the camp, I called to them to lay down their arms and surrender. I also got Mr. Applegate to interpret to them my intentions, and ask them to comply with the orders of the Indian Department. Some of them seemed willing to do so, but Scarfaced Charley, Black Jim, and some others, kept their guns and commenced making hostile demonstrations against us. After repeated demands on them to lay down their arms and surrender had been unheeded, and seeing that the hostile Indians were getting more numerous and determined, I directed Lieutenant Boutelle to take some men from the line and arrest the leaders, if possible. This order was followed by firing on the part of the Indians, and a general engagement ensued. I poured in volley after volley among the worst men, killing the worst of them, capturing the camp, and driving the Indians to the refuge of the brush and hills, from whence they kept up a desultory fire for some little time. I lost during the engagement, and almost at the first fire, one man killed and seven wounded, and one horse killed. After driving the Indians out of range it became necessary to take care of the wounded, to prevent the squaws remaining in camp from killing and mutilating them. Leaving a slight skirmish-line in charge of Lieutenant Boutelle, I took what men could be spared and had the dead and wounded carried to the river-bank, and from there carried across the river and carried to Crawley's ranch, about a half mile below. I then dismantled the camp, capturing Jack's three rifles and his two saddles. All Indian guns found in camp were broken up or thrown into the river. At the same time that I moved on the main camp of the Modocs a smaller camp on the north side of the river was attacked by ten citizens, among them Mr. Oliver Applegate, Mr. Brown, Mr. Jack Bennett, Mr. Dennis Crawley, Mr. C. Monroe, Mr. Thurber, Mr. Calwell, and others. They also demanded the surrender of these Indians, which was not acceded to, and when the firing commenced in the main camp they opened fire on the citizens and the citizens on them. One citizen (Mr. Thurber) was killed, and it is believed several Indians were killed and wounded.

The citizens, after the first attack, retired to Mr. Crawley's ranch and kept up the fire at long range, preventing the Indians from crossing the river and attacking my flank or rear. Two citizens coming up the road and not knowing of the fight, were shot, one mortally, and the other dangerously wounded. Soon after the fight Mr. Applegate, Mr. Brown, Mr. Barnett, and some others, left to warn citizens in other places of danger, leaving but a small force at the house where my wounded had been sent, and where a family resided. Mr. Crawley rode

up and asked for protection at the ranch, stating that the Indians were preparing for a new attack. I mounted the command and moved out at a trot for the ford, some eight miles up the river, sending Lieutenant Boutelle with a skirmish-line to clear the Indians out of the sage-brush, which he did effectually. It was between 3 or 4 o'clock when the troop arrived at the ranch, where we took post to await supplies and care for the wounded. While moving around to the ranch, some straggling Indians collected on the other side of the river and burned a hay-stack and house belonging to Mr. Monroe. After this they moved out down Tule Lake, for their refuge in the caves and rocks south of the lake. One band from the north side of the river, who had been fighting the citizens, moved down on that side of the lake during the fight, and commenced killing the unarmed inhabitants of Tule Lake Valley.

It was not until the next morning, after the fight, while sending the wounded away in charge of the surgeon, that I learned there were any inhabitants near the scene of the conflict, or that they had been unwarned of approaching danger. I immediately sent a detachment with Mr. Crawley to ascertain the condition of the fate of these people. He visited the first place, Mr. Boddy's, about three miles and a half below his (Mr. Crawley's) ranch, and found the house deserted, but everything in order, no sign of attack or murder, no tracks around the house, a dog tied to the door-step, and animals in the corral. Thinking from appearances that the family must have had warning and fled, and believing that the warning had been carried down the valley, he came back and so reported.

That evening, November 30, I moved to the ford to meet the supply-train and prevent its being intercepted by prowling bands of Indians. The pack-train came up at midnight, and the next morning, December 1, the command was moved back to Crawley's ranch for station, until such time as supplies sufficient for a campaign could be collected. The evening of December 1, two citizens, residents of Tule Lake Valley, came in and reported that the men of the Boddy family had been murdered right after, or during the fight, by the band of Indians, who had escaped, and that the women of the family had not been molested, but had walked across the mountains to Lost River bridge, and were then at Linkville.

Lieutenant Boutelle, with a detachment, was sent down with these men this morning, and some of the bodies of the Boddy family found in the timber, quite a distance from the house, where they had been cutting and hauling wood. The detachment was proceeding on down the valley, when they were met by Mr. Ivan Applegate, Mr. Langell, and some others, who had come up the valley, visiting the ranches on the north side of the lake. They reported the killing of the men of the Brotherton family, (three,) two herders, and Mr. Henry Miller. Mrs. Brotherton and her two little boys had fought the Indians away from the house, wounding some of them. She, with her three children, two boys and a little girl, came up with the party of citizens and soldiers, and are now at this station. Quite a party of citizens have collected here. To-morrow quite a large force will move down the valley to hunt up the remains of the murdered inhabitants. I send you a list of those known, or supposed to have been killed: Mr. Wm. Boddy, Rufus Boddy, Wm. Boddy, jr., Nicholas Sheaver, Wm. Brotherton, W. K. Brotherton, Rufus Brotherton, Christopher Erasmus, Robert Alexander, John Soper, —— Collins, and Henry Miller.

I have sent a detachment to Clear Lake, for the protection of Mr. Jesse Applegate's family, and will move the infantry you send me into Langell Valley and Clear Lake, the only places now threatened. A

company of Klamath Indians, thirty-six in number, commanded by Captain Ferree, of Klamath Indian agency, came in to-day, and will go out on the trail of the Modocs to-morrow to hunt them up and keep them from raiding until the troops can move on their hiding-places. I think it will be necessary to make a depot of supplies at this point, as beyond this, in the direction the Indians have gone, wagons cannot be moved any distance, and the troop will have to depend on a pack-train for supplies. The troop behaved splendidly under fire although a number of the men were raw recruits.

Dr. McElvery was present in the field during the fight, and I take great pleasure in commending him and Lieutenant Boutelle for coolness, gallantry, and efficient service.

I am sir, very respectfully, your obedient servant,

JAMES JACKSON,
Captain First Cavalry, Commanding B Troop.

Maj. JOHN GREEN,
First Cavalry, Commanding Fort Klamath, Oregon.

Signed by Capt. James Jackson, First Cavalry, and made by him a duplicate of original report.

July 2, 1873.

H. P. CURTIS,
Judge-Advocate of Commission.

FORT KLAMATH, OREGON,
July 8, 1873.

COLONEL: The telegram from you stopping other trials by this commission than that of the assassins of General Canby and the peace commissioners, was received by me this morning. The trial of the slayers of Lieutenant Sherwood is not prohibited by it, but that case it is impossible to try, for the reason that of the three Indians who are suspected of committing the murder, one, Curly-headed Jack, has killed himself. Miller's Charley is not in custody, and the third cannot be known nor identified.

Lieutenant Davis, on leaving for Camp Warner and Portland, handed me a list of the able-bodied Modocs in arrest here, but did not designate whom I was to try. Four of these Modocs, namely, Steamboat Frank, Hooker Jim, Bogus Charley, and Shacknasty Jim, are known as scouts. They were employed, as you know, in pursuing others of the hostile band, and, according to every testimony, did most efficient and faithful service, and did very much toward shortening the war. I decided not to arraign them for their participation in the assassination of General Canby, therefore, though all were more or less concerned in it.

I am not aware that General Davis promised them immunity; but I am assured by Captain Hasbrouck, Fourth Artillery, and others, that they proved themselves of the highest efficiency and value, so much so as to earn protection from punishment; and I learn from Mr. Riddle, the interpreter, that he, himself, translated to Hooker Jim an assurance from the lips of Colonel Green, lately commanding this post, in the following words, or nearly: "You will not be hurt—you shall not be hurt."

Additional to this their treatment by General Davis while in his hands has been such as seemed to me to be virtually a promise of protection

from the punishment of their crimes; for they are left wholly free, permitted to go unguarded about the fort, and might leave the place at any time if they saw fit. I was told by General Davis that I might try them if I pleased, but he recommended their employment as witnesses in the character of State's evidence. Of the four, I believe Hooker Jim the worst by far. Him I had intended to use, if possible, in the trial of the Lost River murderers of citizens in 1872.

Should it be the intention of the Government to turn over to the State authorities such prisoners as were indicted for these murders, I believe it my duty to urge that these four men be reserved from that fate, both because of their services in ending the war, and of the quasi promises which would seem to have been made them that they should be protected. I am informed that the indictments were found on the information of Mrs. William Boddy, and that of those indicted several are known to have had no part in the murders referred to, and that Mrs. Boddy made more than one mistake in her designation of the guilty.

I have omitted to state an additional reason which influenced me in deciding not to arraign the four so-called scouts. I believed that there could be no better policy than that of teaching these savages that treachery to their race, under such circumstances as those which have obtained here, would meet with its sure reward. I may have been wrong in permitting this consideration to have weight; but, left to decide the question of their trial by my own unaided judgment, I could do no otherwise than act in accordance with what seemed the wisest course.

I therefore respectfully invite attention to the claims of these four men, all of whom testified to-day at the trial of the slayers of General Canby and Dr. Thomas.

Very respectfully, your obedient servant,

H. P. CURTIS,
Judge Advocate Commission.

Lieut.-Col. J. C. KELTON,
A. A. G., Military Division Pacific.

P. S.—I should, perhaps, more properly have addressed this communication to, or through, General Davis, commanding this Department, but he is now on his march through the country toward Portland, and the necessity of haste seems to me to require a deviation from the usual course.

H. P. CURTIS,
Judge-Advocate.

Official copy respectfully furnished Gen. J. C. Davis.

J. C. KELTON,
Lieut.-Col., A. A. General.

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, July 19, 1873.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., July 29, 1873.

This communication is respectfully forwarded to the Bureau of Military Justice, with the proceedings in the cases of Captain Jack and the other Modoc Indians just tried, with the remarks that when the Hot Spring party of Jack's band was captured near Fairchild's ranch, I soon discovered that the separation had been caused by a feud or quarrel among themselves. Seventeen warriors, with old men, women, and children, amounting in all to about seventy persons, had left him. In

this party were several of his best and most notorious warriors. The most desperate one was Hooker, commonly called Hooker Jim. He was probably the greatest criminal in the whole land, and had Jack's confidence, before he left him. He knew Jack's plans for the future, his hiding-places, and caches of supplies, &c.

I positively refused to give these captives any information or hope of exemption from punishment when they surrendered; refused even to talk with them about these subjects, until Jack and the whole band were captured. Seeing this, these four warriors, Bogus Charley, Hooker Jim, Steamboat Frank, and Shag-Nasty Jim, asked an interview with me. It was granted; and the result was that I found out from Hooker that he knew Jack's plans, intentions, &c., and that he was willing to conduct troops in pursuit of him and his band. The other three did not profess to know so much of Jack's plans or intentions, but they urged me to accept Jim's services, and offered me theirs, even their lives, to accompany and sustain him. Considering the hostile feeling of the soldiers, the citizens, and Jack's band, which he had just deserted, toward him; in other words, considering all his surroundings, it was a bold enterprise. I accepted their offers, and put them out well armed and equipped for the work.

In a few days Jack's whole band was found, chased down, and captured by the troops under the guidance of these scouts.

The different commanders of detachments have all borne testimony to their loyalty and efficiency, as well as endurance and courage.

Although I made no promises whatever at the time of accepting their services, I have felt in honor bound to interpose in their behalf to the extent of securing their exemption from the death penalty.

It was a question with me whether or not it would not be better to have them tried and interpose after trial for a proper mitigation of punishment. I left this subject, however, with the judge-advocate, and I see by the proceedings he has used them as State witnesses in the trial. They are still at Fort Klamath with the other captives. I hope the War Department will exempt these scouts from the order should it be decided to turn any of the Modoc captives over to the State authorities for trial. Hooker Jim is the only one the local authorities claim.

JEF. C. DAVIS,
Brevet Major-General, Commanding Department.

Extract from a private letter of Major Curtis, judge-advocate of the Modoc military commission, to an officer in the Judge-Advocate-General's office, Washington.

I would like to have said a word in favor of lenity toward Barncho and Sloluck. The others were all involved deeply in the plot to murder, consulted about it with each other, and acted as ringleaders, I have no doubt. B. and S., however, I regard as common soldiers, who obeyed orders in being present, or rather within hail, and whom it will be an unnecessary outlay of national vengence to put to death. They both took no visible interest in the trial, and I doubt if they understood it. Sloluck sat with his hands over his face and much of the time on the floor, apparently asleep. He is quite a boy, at least in looks. Barncho was little better. Neither of them, I believe, could have taken any prominent part in the war, or in anything. One of them knocked down Mrs. Riddle and seized her horse, but did her no injury.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
August 12, 1873.

SIR: I have the honor to submit the following report in the case of Captain Jack, Schonchin, (or Schonchis,) Black Jim, Boston Charley, Barncho, (*alias* One Eyed Jim,) and Sloluck, (*alias* Cok,) Modoc Indians.

These parties were brought to trial in July last, before a military commission of five officers, convened at Fort Klamath, Oreg., by Bvt. Maj. Gen. Jef. C. Davis, commanding Department of the Columbia, by Special Field-Orders No. 1, of June 30, 1873, upon charges and specifications as follows:

1. Murder, in violation of the laws of war.

Specification 1. In this, that they, Indians called, and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One-Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the persons above-named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet under a flag of truce and suspension of hostilities Brig. Gen. E. R. S. Canby, U. S. A., commanding Department Columbia, and certain peace commissioners on the part of the said United States, namely, Eleazer Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by said truce, under the laws of war, willfully, feloniously, and of malice aforethought, kill and murder said Brigadier-General Canby.

All this at or near the Lava Bed, so-called, situated near Tule Lake, in the State of California, on or about 11th of April, A. D. 1872.

Specification 2. In this, that they, Indians, called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above-named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet under a flag of truce and suspension of hostilities Brig. Gen. E. R. S. Canby, commanding military Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazer Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did, thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by said truce under the laws of war, willfully, feloniously, and of their malice aforethought, kill and murder said Eleazer Thomas, one of the peace commissioners aforesaid.

All this at or near the Lava Beds, so called, situated near Tule Lake, in the State of California, on or about the 11th of April, A. D. 1873.

2. Assault with intent to kill, in violation of the laws of war.

Specification 1. In this, that they, Indians, called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One-Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinatter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet under a flag of truce and suspension of hostilities Brig. Gen. E. R. S. Canby, U. S. A., commanding Department of Columbia, and certain peace commissioners on the part of the United States, namely, Eleazer Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by said truce under the laws of war, feloniously make an assault with deadly weapons upon the said A. B. Meacham, commissioner as aforesaid, with an intent him, the said Meacham, then and there, feloniously, willfully, and of malice aforethought, to kill and murder, and did inflict upon the body of the said Meacham divers severe and dangerous wounds.

All this at or near the Lava Beds, so called, situated near Tule Lake, in the State of California, on or about the 11th of April, A. D. 1873.

Specification 2. In this, that they, Indians, called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, *alias* One-Eyed Jim, and Sloluck, *alias* Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet under a flag of truce and suspension of hostilities Brig. Gen. E. R. S. Canby, U. S. A., and certain peace commissioners on the part of the United States, namely, Eleazer Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did, then and there, in wanton violation of said flag of truce and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon said Dyer, commissioner as aforesaid, with an intent him, said Dyer, then and there, feloniously, willfully, and of their malice aforethought, to kill and murder.

All this at or near the Lava Beds, so called, situated near Tule Lake, in the State of California, on or about the 11th April, 1873.

These charges, it may be noted, are understood to have been framed upon the authority and with special reference to the terms of the recent opinion of the Attorney-General, to the effect that a military commission might legally take cognizance of this case.

The accused all pleaded "not guilty;" and it may here be stated that at the outset of the proceedings T. F. Riddle (a citizen) and his wife (an Indian) were sworn as interpreters, and that, through them, the testimony, as well as all the material proceedings, appear to have been duly communicated to the accused, and, as it would seem, to their full understanding and comprehension.

The witnesses in the case were Riddle and his wife, A. B. Meacham, and Leroy S. Dyer, two of the peace commissioners, Assistant Surgeon McEldery, and Lieutenant Anderson, of the Army, and Shacknasty Jim, Steamboat Frank, Bogus Charley, Hooker Jim, William, (or Whim,) Scar-faced Charley, Dave, and One-eyed Mose, Indians, the last three as witnesses for the defense.

The testimony on the trial was in substance to the following effect:

For about six months, certainly previous to the date of the crimes charged, there had been hostilities between the United States and the band of Modoc Indians, of which Captain Jack was the chief, which, (as it is stated as a historical fact by the judge-advocate, though not shown in evidence,) had left their reservation in violation of the terms of a treaty between them and the United States, and had forcibly resisted the means employed to secure their return. Two general engagements had been fought, on 29th November, 1872, and 17th January, 1873, between the United States troops and these Indians, as well as several skirmishes, in the course of which twenty-two or twenty-three soldiers had been killed or had died of wounds, and certain citizens had been murdered. The United States forces having moved toward the lava-beds, so called, in Northern California, near the Oregon line, the refuge and stronghold of Captain Jack and his band, a cessation of hostilities ensued, for the purpose, entertained on the part of the United States and professed, at least, on that of the Indians, of arriving at some peaceable settlement of the strife. To effect this, Messrs. Meacham and Thomas, with Mr. Dyer, the United States Indian agent at the Klamath agency, had been duly delegated as "peace commissioners," and ordered to the military headquarters in the field, to advise and act in conjunction with General Canby, then commanding the military department. A brief period of quasi negotiations then ensued. One or two conferences were had between the commissioners and the Modocs;

the principal one, on April 3, terminating without definite result. Then followed sundry propositions for a further council, made by Captain Jack, and transmitted to the military headquarters by Indian messengers. These were all rejected, except the last, which was accepted. This last proposition was that Jack and five of his band, *all unarmed*, should meet five persons, also unarmed, on the part of the United States, for a peaceful conference, or "good talk," at the "peace tent," so called, which appears to have been a large tent situated at some distance, (how far does not appear,) from the military headquarters. It is clearly shown that General Canby and the commissioners had previously been repeatedly and earnestly warned, by Riddle and his wife, on information communicated to them from Modocs, that treachery and danger to life were to be anticipated at this meeting; in other words, that Jack and his men intended to kill them. Such action, however, seemed so manifestly against the interests of the Indians, in the immediate neighborhood as they were of a large force of United States troops, that it was considered, upon the whole, safe to agree to the conference as proposed. At least this is stated to have been the view of General Canby, Mr. Meacham, as he says, consenting to the interview with great reluctance.

The meeting took place on April 11. On the side of the United States were General Canby, Mr. Meacham, Mr. Dyer, and Dr. Thomas, with Riddle and wife as interpreters. On arriving at the tent they found awaiting them, Jack, Schonchin, (the second in command,) Black Jim, Shacknasty Jim, and Ellen's man, (since dead,) six instead of five; making (with Boston Charley and Bogus Charley, who, having been employed as messengers by Captain Jack, had remained in camp over night and in the morning accompanied the commissioners to the council,) *eight* Indians in all.

On meeting, all sat down about a little fire of sage-bush; cigars were given by General Canby to the Indians, and smoking was generally commenced. General Canby first spoke, in a kind, conciliating manner; assuring the Indians that if they consented to go peaceably upon their proper reservation, they would eventually be satisfied and glad that they had done so, as had been other Indians, whose cases he cited from his own experience. Mr. Meacham and Dr. Thomas also spoke in a similar tone. Jack and Schonchin then spoke in turn; and to the effect that they demanded Cottonwood or Willow Creek, (or, as Mr. Meacham expressed it, Fairchild's Ranch or Hot Creek,) for a reservation, and wanted the soldiers sent away. Mr. Meacham testifies that his party gave no provocation whatever to the Indians in their language or manner; sedulously, in fact, avoiding anything that could give them occasion of offense. Riddle testifies that Mr. Meacham, in speaking a second time, after Jack, in order to enforce attention or give emphasis to his words, sort of hit him (Jack) on the knee or shoulders, probably hit him on the shoulder once or twice, or tapped him. But there is nothing in the testimony to show that this was irritating to Jack, or that he resented it. After this second speech of Mr. Meacham, and while Schonchin was speaking, Captain Jack rose and stepped back a few paces. Two Indians armed with two or more guns each, were then seen to spring up from behind a rock at the rear, and come quickly forward. These were Barncho and Sloluck; and the opinion was expressed in the testimony that the movement of Captain Jack was a signal to these concealed Indians to appear. Jack, himself, at once returned to the council, (where the party had all risen to their feet at appearance of the two Indians mentioned,) and calling out "attack," or

all ready, drew a pistol from under his clothing and fired at General Canby, who fell. Firing instantly commenced on the part of the other Indians. Ellen's man fired at General Canby. Schonchin shot and also stabbed Mr. Meacham, who staggered off a short distance, fell and lost consciousness, and was, apparently, supposed to have been killed. He was also shot at by Black Jim. Boston Charley shot Dr. Thomas. Hooker Jim gave chase to Mr. Dyer, firing at him as he ran. Riddle, who ran, was also chased and fired at by Barncho as well as by Shacknasty Jim. Dyer and Riddle both testify to bullets whistling by them, while escaping, and Riddle's ear was touched by one. Riddle's wife was knocked down by Sloluck who struck her upon her back with his gun; but Captain Jack and Black Jim told him to leave her alone, and she was not further molested. The bodies of General Canby and Dr. Thomas were stripped by the Indians. Steamboat Frank, (who states in his testimony that Captain Jack had stationed him in the rear, and who had come up with Scar-face Charley directly after Barncho and Sloluck,) was seen by Riddle's wife to take Dr. Thomas's coat; Shacknasty Jim and Hooker Jim, as well as Steamboat Frank, Bogus Charley and William, (or Whim,) all of whom were allowed to testify on the part of the prosecution, besides corroborating the other testimony in identifying the particular Indians who fired at the different persons, also leave no doubt by their testimony but that the killing of the peace commissioners had been previously discussed between Jack and Schonchis, and determined upon, and that the scheme of assassination originated with them. Riddle, Dyer, and Meacham all state that, on arriving at the council, they discovered the Indians to be armed with revolvers imperfectly concealed under their clothes.

Mr. Meacham received four shots and one severe cut with a knife. General Canby had three wounds, one bullet passing through his eye and penetrating his brain. The mortal wound of Dr. Thomas appears to have been in the region of the heart. Assistant Surgeon McElderry testifies to the character of the injuries received, and the cause and fact of death in each instance.

The testimony introduced on the part of the defense, though admitted without objection, was wholly irrelevant. It seemed to have been intended to show that Jack's band were set on or encouraged to fight by the Klamath Lake Indians, who were stated to have largely supp'ied them with ammunition.

A statement of considerable length was made to the court by Jack and a brief one by Schonchin. The other Indians declined severally to offer any. Jack's address was to the effect that before the fight at Lost River in November, 1872, he had been a good Indian, treating the whites well and being treated well by them in return; that the attack on his band by Major Jackson's force at Lost River was causeless and criminal, and constituted the provocation which drove him into hostility; that he had nothing to do with the Tule Lake massacres, which were committed by Hooker Jim and a separate part of the band; that prior to the council he had been assured, chiefly by certain Indian squaws, that General Canby and the commissioners intended to take his life; that it was Hooker Jim, however, who mainly instigated the assassination, Schonchis and George siding with him, and all reproaching him with his peace tendencies.

Schonchis's statement refers to the attack at Lost River as the original provocation, but is otherwise wholly irrelevant.

The judge-advocate presented no argument upon the law or facts of the case, but offered a few remarks with a view to vindicating the

character of Major Jackson, whom he showed to have been acting under proper orders in marching upon the Indian camp at Lost River. He referred, also, to the treaty by which these Indians consented to remain upon the Yainax reservation, and which they had violated, and read Major Jackson's report of the fight at Lost River, which went to show that he did not attack the Indians until (as he was ordered) after using peaceful means to induce them to return to the reservation, and until he had been attacked and fired upon by the Indians themselves. At the same time he expressed the opinion that Captain Jack was not in fact personally responsible for the Tule Lake murders. But these statements were all immaterial to the case on trial.

In closing the case, the judge-advocate introduced from Lieber's well, known "Instructions for the government of the armies of the United States in the field" certain extracts relating to the amenability to justice of prisoners of war for crimes committed before their capture and remaining unpunished, and to the criminal character of those violations of the laws of war which are consummated by means of deception and treachery.

The court find all the accused guilty upon both charges, and their specifications, and sentence them to be hanged, at such time and place as the proper authority may direct.

The term occurring, in the pleadings, of a "flag of truce," was evidently intended to express the fact that there was a subsisting *truce* between the parties. The obligation of such a truce is, indeed, no less sacred, and its violation no less criminal, whether or not a flag, its usual symbol, is actually employed. Here, it appears, indeed, from the testimony that no flag was made use of, and the court might well have excepted to the word "flag" in their findings. Their omission to do so was, however, immaterial, since the specifications irrespective of this term, fully and sufficiently set forth the existence of a truce, or suspension of hostilities, and the fact of its violation.

Having thus reviewed these proceedings, this Bureau would report that they are regular and without legal defect.

The accused were not supplied with counsel, but there appears no reason to believe that, on this account, their rights were in any degree less guarded upon the trial. As has been remarked, the proceedings were rendered apparently perfectly intelligible to them throughout, by means of two interpreters, both well known to and long conversant with them, one of whom was an Indian. There is nothing in the record going to indicate that full justice was not done the accused, or that such defense as they had deemed themselves to have was not fully brought out. Five of the witnesses for the prosecution testifying directly upon the merits, were Indians of the same band; and their evidence, so far accords with and is confirmed by the testimony of the commissioners and of Riddle and his wife, that its substantial verity can hardly be doubted. In their statements neither Jack nor Schonchin attempted to deny the commission of the crimes charged.

It is the conclusion, therefore, of this Bureau that a full and just trial has been had; and as all the accused are shown in legal contemplation to have participated in the murders charged, no doubt is entertained that the finding in the case of each one is entirely warrented by the testimony. As accomplices and joint actors, each is severally responsible, not only for his own act, but for the act of every one of his associates; and those not shown to have actually taken a life are guilty, equally with the rest of the murders committed, as are the latter of the criminal assaults committed by the former. The commission could not have done

otherwise than to arrive at the same finding and to impose the same sentence in the case of each separate accused.

And the punishment adjudged by them for the treacherous and dastardly assassination of unarmed men, engaged in the peaceful discharge of a high public duty to which they had brought the purest motives and the most humane intentions of the Christian and patriot, was certainly the only one which justice and the usage of civilized war would regard as adequate.

The question of the jurisdiction of the commission and the amenability of the accused to trial by it, after being made prisoners of war, is understood to have been affirmatively determined and disposed of by the Executive, in approving the late opinion upon that question of the Attorney-General, and thereupon authorizing the convening of the commission by the department commander.

Maintaining that opinion, and there being no further question arising in the case, the proceedings and sentence are respectfully submitted for the action of the Executive.

J. HOLT,
Judge-Advocate-General.

Hon. W. W. BELKNAP,
Secretary of War.

SAN FRANCISCO, *August* 30, 1873.

The following is a correct transcript of the entire evidence given in trial of Modoc prisoners before a military commission convened at Fort Klamath, July, 1873, directly or indirectly referring to the two of said prisoners, commonly known as Barncho and Sloluck:

* * * * * * *

The JUDGE-ADVOCATE:

Question. Have you any objection to any of these officers present trying you?

BARNCHO. I will take them.

SLOLUCK. None.

* * * * * * *

Barncho and Sloluck plead "Not guilty" to each and all of the charges and specifications.

In the testimony of T. F. Riddle.

The JUDGE-ADVOCATE:

Question. Were the prisoners, now at the bar, present at the meeting with the commissioners on the 11th of April?—Answer. Yes, sir. I identify all but Barncho and Sloluck. I seen them but didn't know them. They were seventy-five yards behind me; they came up behind.

* * * * * * *

Q. What position did Barncho and Sloluck hold among the Modocs?—A. They are not anything. At the meeting of the 11th of April, Barncho and Sloluck were not in the council; they came up after the firing commenced.

* * * * * * *

Q. Which of these men were there on the 10th of April, when you went with the note?—A. There was Boston; Black Jim was there; Dave

was there, and Barncho; I don't remember whether Schonchis was there or not at the time the conversation was going on.

* * * * * * *

Q. At the meeting of April 11, did any other Indians come up?—A. Just as the firing commenced, I saw two Indians coming up, packing their guns. They were carrying them along in their arms. I could not tell how many each man had; it looked like they had some two or three apiece. I cannot identify those men; I did not stop to look to see who they were; I saw they were Indians.

In the testimony of "Toby," (Mrs. Riddle.)

* * * * * * *

The JUDGE-ADVOCATE:

Q. Did any other men join the party?—A. Yes, sir.

Q. When, and who were the men?—A. I saw three more come up—Barncho and Sloluck and another.

Q. Did anybody strike, or wound, or hurt you?—A. Yes, sir; Sloluck.

Q. What did he do to you?—A. He hit me across the back and knocked me down. I was on the ground.

Q. Did you see your husband when he ran away?—A. Yes, sir; and I saw three men after him.

Q. Did anybody fire at him?—A. Yes, sir.

Q. Can you say who those three men were?—A. Yes; Barncho, Shacknasty Jim, and Ellen's man. Ellen's man is dead.

Q. What were they doing or bringing? What did they come up for?—A. I didn't see them until they got up right in there. They were packing guns. I think they had three apiece.

* * * * * * *

Q. Did Sloluck only strike you once?—A. Only once.

Q. Why didn't he strike you more than once?—A. Captain Jack and another Indian told him to let me alone. He was about to strike me again. He was talking to me, and trying to get the horse.

* * * * * * *

Q. Where did these two men, Sloluck and Barncho, come from when they came?—A. They came up from behind a kind of ridge of rocks about one hundred yards, or such a matter, from where the peace-tent was.

Q. Had they been hid behind there?—A. Yes, sir; I guess they had been hid there.

Q. You didn't see them at first when you went to the meeting?—A. No; I didn't see them.

* * * * * * *

Q. Who were the three men that came up from behind the rocks?—A. Steamboat Frank, Sloluck, and Barncho.

In the testimony of L. S. Dyer.

* * * * * * *

Q. Do you recognize all of these prisoners at the bar?—A. No. I recognize Captain Jack, John Schonchis, and Boston Charley.

In the testimony of Shacknasty Jim.

Q. Did Sloluck and Barncho have anything in their hands at this meeting of April 11?—A. They were packing guns.

* * * * * * *

Q. What did Barncho do, if anything?—A. He ran Riddle, and was shooting after Riddle.

* * * * * * *

Q. Did you see Sloluck do anything?—A. I saw him close to the woman Toby, but the tent was sort of between them, and I didn't see what he done; but he was there among them.

In the testimony of Steamboat Frank.

* * * * * * *

Q. Did you see Barncho there?—A. I seen Barncho before they started in there.

* * * * * * *

In the testimony of A. B. Meacham.

* * * * * * *

Q. State which of the prisoners you recognize, if you please.—A. Captain Jack, Schonchis John, Boston. I am not sure of the names of the others. I recognize the faces of two others there; but I am not sure of their names.

* * * * * * *

Q. You think these two men that appeared from the rocks came out into sight before the first pistol was fired?—A. I know it, sir.

Q. You saw them come out?—A. I did, sir.

* * * * * *

Q. Did you notice whether there were any more firing?—A. There was. The firing was very hot, and they were all very active making hostile demonstrations on the peace commission party, and one man was after Dyer, I know, but I cannot tell who he was.

Q. You saw that?—A. I saw that; I saw Dyer running, and I saw Riddle running, and some man chasing him; but I cannot designate the man who did it, only they were of the party who were in the council.

* * * * * * *

Q. Were the Indians armed who were secreted in the rocks, and who came forward during the conference?—A. They were, with them.

Q. Did the Indians who came out of the rocks make their appearance before or after Captain Jack left his place and went to the rear?—A. After he started to go to the rear.

Q. Do you understand that Jack's going to the rear was a signal to those Indians hidden in the rocks to come out with their guns?—A. I have always supposed it to have been the signal; I believe it to have been.

I hereby certify that the foregoing is a correct transcript of a portion of my short-hand notes taken in the trial.

E. S. BELDEN,
Official Short-hand Reporter.

JUDGE-ADVOCATE'S OFFICE,
HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, September 2, 1873.

GENERAL: It is stated that efforts have already been made, and it is probable that many efforts will yet be made, to induce the President to

modify his action in the cases of the Modoc assassins now under sentence of death.

Having held the position of judge-advocate of the commission before which these six prisoners were tried, I am somewhat qualified from my official connection with the trial, and as a daily eye-witness of the appearance and demeanor of the prisoners referred to, to form an opinion on the question of the degree of responsibility for which each of them should properly be held accountable, and I shall, I am persuaded, be accquitted of intentional intrusiveness, if I deem it my duty to lay that opinion before the Executive through you.

For the four principal criminals, Captain Jack, Schonchis, Boston, and Black Jim, I do not desire to speak. But of the other two, Barncho and Sloluck, I could not resist the conviction that they were merely tools in the hands of other and abler men; that they exercised, and were capable of exercising, no influence upon the deliberations of their leaders; and that in being present as they were at the massacre of the commissioners, they were acting in obedience to orders and with no adequate understanding of the magnitude of the crime. Barncho appeared to me to be of a low order of intelligence, and to have imperfectly understood the purpose of the trial, or the danger in which he stood. Sloluck is quite young in years; is apparently extremly ignorant and obtuse; and, to all appearance, stands in mental capacity little above the level of the brute. During the entire course of the trial he sat by preference on the floor of the court-room, with his head buried in his arms, his face sunken upon his chest, maintaining a perfect silence, asking no questions, taking no visible interest in the proceedings, and much of the time seeming to be asleep. Barncho listened with somewhat more attention, but yet showed a degree of stolid indifference so surprising as to compel a doubt of his comprehension of what was taking place, as well as of his ability to appreciate in any degree either the enormity of his crime or the justice of its punishment.

The other four named above I believe to have well understood from the first moment of the conception of the conspiracy the infamous nature of their act, the baseness of its treachery, and the deservedness of the severest punishment. I cannot, however, avoid the feeling that Barncho and Sloluck knew little of all this; and that they obeyed the order of their chief in the same spirit with which an enlisted man obeys the orders of his officer; but with far less intelligence, and with little conception of the atrocity of the deed which they were required to take part in.

I respectfully submit these conclusions for what they may be worth, solely in the belief that the President, in deliberating upon his response to the pressure to which I assume he will be exposed, will be glad to be assisted by every ray of information, coming from whatever source, which may throw any light upon the question he will be expected to decide. As the object of the execution of the prisoners is doubtless, in part, its salutary effect upon other hostile tribes, it may well be that clemency toward any of them, no matter what their degree of intelligence or of influence, would be a dangerous error.

I submit with this a copy of all the evidence laid before the commission which bore in any way upon the two prisoners referred to.

Very respectfully, your obedient servant,

H. P. CURTIS,
Judge-Advocate, United States Army.

Maj. Gen. J. M. SCHOFIELD,
Commanding Military Division of the Pacific, San Francisco, Cal.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, September 4, 1873.

Major Curtis having thought it his duty to submit this communication, it is respectfully forwarded to the Adjutant-General of the Army.

J. M. SCHOFIELD,
Major-General.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 8, 1873.

Respectfully referred to the Judge-Advocate General.

E. D. TOWNSEND,
Adjutant-General.

[General Court-Martial Orders No. 32.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1873.

I. Before a military commission which convened at Fort Klamath, Oregon, July 1, 1873, pursuant to Special Field Orders No. 1, dated June 30, 1873, Headquarters Department of the Columbia, in the Field, Fort Klamath, Oregon, and of which Lieut. Col. W. L. Elliott, First Cavalry, is president, were arraigned and tried—

Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives.

CHARGE I. "Murder, in violation of the laws of war."

Specification 1. "In this: that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding Department of the Columbia, and certain peace commissioners on the part of the said United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of said flag of truce, and treacherously disregarding the obligations imposed by said truce under the laws of war, willfully, feloniously, and of malice aforethought, kill and murder said Brigadier-General Canby. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

Specification 2. "In this: that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners

above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack did, as representatives of the said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding Military Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens of the United States, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, willfully, feloniously, and of their malice aforethought, kill and murder said Eleazur Thomas, one of the peace commissioners aforesaid. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

CHARGE II. "Assault with intent to kill, in violation of the laws of war."

Specification 1. "In this: that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., commanding the Department of the Columbia, and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meacham, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did thereupon, in wanton violation of the sacred character of said flag of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said A. B. Meacham, commissioner as aforesaid, with an intent him, the said Meacham, then and there, feloniously, willfully, and of malice aforethought, to kill and murder, and did inflict upon the body of the said Meacham divers severe and dangerous wounds. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

Specification 2. "In this: that they, Indians called and commonly known as Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, members of a certain band of Indians known as the Modocs, which band, including the prisoners above named, was, at the time and place hereinafter alleged, engaged in open and flagrant war with the United States, under the chief command of said Captain Jack, did, as representatives of said Modoc band, meet, under a flag of truce and suspension of hostilities, Brig. Gen. E. R. S. Canby, U. S. A., and certain peace commissioners on the part of the United States, namely, Eleazur Thomas, A. B. Meachan, and L. S. Dyer, citizens, all representing the Government of the United States, for the agreed and professed purpose of discussing and arranging terms upon which hostilities existing between the United States and said band should cease; and did then and there, in wanton violation of said flag

of truce, and treacherously disregarding the obligations imposed by such truce under the laws of war, feloniously make an assault with deadly weapons upon the said Dyer, commissioner as aforesaid, with an intent him, said Dyer, then and there feloniously, willfully, and of their malice aforethought, to kill and murder. All this at or near the lava-beds, so called, situated near Tule Lake, in the State of California, on or about the 11th day of April, 1873."

To which charges and specifications the accused, Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, Sloluck, alias Cok, Modoc Indian captives, pleaded "Not Guilty."

FINDING.

The commission, having maturely considered the evidence adduced, finds the accused, Captain Jack, Schonchin, Black Jim, Boston Charley, Barncho, alias One-eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, as follows:

CHARGE I.

Of the first Specification "Guilty."
Of the second Specification, "Guilty."
Of the charge, "Guilty."

CHARGE II.

Of the first Specification, "Guilty."
Of the second Specification, "Guilty."
Of the charge, "Guilty."

SENTENCE.

And the commission does therefore sentence them, Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian captives, "to be hanged by the neck until they be dead, at such time and place as the proper authority shall direct—two-thirds of the members of the commission concurring therein."

II. The proceedings, findings and sentences of the military commission in the cases of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indin captives, were approved by the commanding officer of the Department of the Columbia, and forwarded to the Secretary of War for the action of the President of the United States.

The following are the orders of the President and of the Secretary of War:

EXECUTIVE OFFICE, *August* 22, 1873.

The foregoing sentences in the cases of Captain Jack, Schoncis, Black Jim, Boston Charley, Barncho, alias One-Eyed Jim, and Sloluck, alias Cok, Modoc Indian prisoners are hereby approved; and it is ordered that the sentences in the said cases be carried into execution by the proper military authority, under the orders of the Secretary of War, on the third day of October, eighteen hundred and seventy-three.

U. S. GRANT,
President.

WAR DEPARTMENT, *Washington*, *August* 23, 1873.

The foregoing record of the proceedings in the trial, by military commission, of Captain Jack, Schonchis, Black Jim, Boston Charley, Barncho, alias One-eyed Jim, and Sloluck, alias Cok, Modoc Indian prisoners, having been transmitted to the President,

and laid before him for his orders thereon, and the President having in the foregoing orders approved the sentences, and directed that they be executed under the orders of the Secretary of War, the sentences will be duly executed under the direction of the general commanding the Department of Columbia, at Fort Klamath, Oregon, Friday, October 3, 1873.

WM. W. BELKNAP,
Secretary of War.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[General Court-Martial Orders No. 34.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 12, 1873.

The following orders of the President will be carried into effect under the direction of the major-general commanding the Division of the Pacific:

EXECUTIVE OFFICE, *September* 10, 1873.

The executive order dated August 22, 1873, approving the sentence of death of certain Modoc Indian prisoners, is hereby modified in the cases of Barncho, alias One-eyed Jim, and of Sloluck, alias Cok; and the sentence in the said cases is commuted to imprisonment for life. Alcatraz Island, harbor of San Francisco, California, is designated as the place of confinement.

U. S. GRANT,
President.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

PAPERS

FROM

THE DEPARTMENT OF THE INTERIOR.

PAPERS FROM DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 3, 1874.

SIR: I have the honor to acknowledge the receipt, by reference from the Executive, under date of the 8th ultimo, of a resolution of the House of Representatives, in the following words, viz:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public service, to furnish the House of Representatives copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians in Southern Oregon and Northern California during the years 1872 and 1873; also, copies of all the correspondence with and orders issued to the military authorities engaged in said war, up to the period of the removal of said Modoc Indians from the States of Oregon and California.

I transmit herewith copies of all papers on file or of record in this Department in relation to the subject of said resolution.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO,
Secretary.

The PRESIDENT.

HEADQUARTERS DISTRICT OF THE LAKES,
Camp Warner, Oregon, March 10, 1872.

SIR: I have the honor to acknowledge the receipt of the following communications, viz:

1. Confidential letter with reference to Modoc Indians, headquarters Department of the Columbia, Portland, Oreg., February 17, 1872, signed E. R. S. Canby, brigadier general commanding.

2. Headquarters Department of Columbia, Portland, Oreg., February 16, 1872, Louis V. Caziarc, first lieutenant Second Artillery, A. A. A. G. Gives commanding officer District of the Lakes certain instructions with reference to Modoc Indians.

3. Office superintendent Indian affairs, Salem, Oreg., January 27, 1872, A. B. Meacham, superintendent Indian affairs in Oregon. Copy of letter to Hon. F. A. Walker, Commissioner of Indian Affairs, Washington, D. C., with reference to Modoc Indians.

4. Toucalla, Oreg., February 1, 1872, Jesse Applegate. Copy of letter to A. B. Meacham, superintendent Indian affairs, Salem, Oreg., with reference to Modoc Indians.

5. Office superintendent of Indian affairs, Salem, Oreg., February 8, 1872, A. B. Meacham, superintendent Indian affairs in Oregon. Copy of letter to General E. R. S. Canby, commanding Department of Columbia, with reference to Modoc Indians.

6. Extract of report of chief commissary Department of the Columbia, showing amount of commissary supplies on hand at Fort Klamath, Oreg.

7. Tracing of plot of Klamath Indian reservation.

Action will be taken at once under my personal superintendence, a

report of which will be made from time to time as circumstances may seem to require.

From report of Major Eggleston, who has recently been through this country of the Modocs, and others, I do not anticipate any serious trouble.

The original package came via Fort Klamath, and arrived about 12 o'clock m. About ten minutes previous a copy of same arrived via Camp Harney.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., March 30, 1872.

Respectfully forwarded to the assistant adjutant-general Military Division of the Pacific, for the information of the major-general commanding.

ED. R. S. CANBY,
Brigadier-General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, April 6, 1872.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 16, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

For the COMMISSIONER OF INDIAN AFFAIRS.

WAR DEPARTMENT,
Washington City, March 19, 1872.

SIR: This Department is in receipt of reports and a voluminous correspondence in relation to apprehended and reported trouble with the Modoc Indians, forwarded by the commanding general of the Department of the Columbia, in which arises a question as to their removal from their present location to another and more permanent one.

Copies of all the papers bearing upon this matter have been prepared and are herewith inclosed for your information, and with a view to enabling the proper officials to take intelligently such action as seems to be demanded in the interest of the Government and of the Indians.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

A.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 20, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding the division, copy of the instructions given the commander of the District of the Lakes, in relation to the apprehended trouble with the Modoc Indians, and also of the correspondence upon the same subject with the superintendent of Indian affairs for this State. I have considered this necessary in order to prevent collisions between the settlers and the Indians, and the presence of the troops will allay the apprehensions of the whites (often the cause of the trouble we wish to avoid) and will exercise a salutary influence over the evil-disposed of both classes.

It will be seen by the papers transmitted by the superintendent that the question of providing a new location for the Modocs has been submitted by him to the Commissioner of Indian Affairs, and, as I am fully satisfied that the Modocs will gladly settle at any point where they can be protected from the hostilities of the Klamaths, I consider it very important that all proper means to prevent a collision should be adopted.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

ASSISTANT ADJUTANT GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, February 28, 1872.

Respectfully forwarded to the Adjutant-General, approving the action taken by the general commanding the Department of the Columbia.

J. M. SCHOFIELD,
Major-General Commanding.

[Inclosure 1.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., January 27, 1872.

SIR: I would respectfully call attention to matters pertaining to Modoc Indians in my third annual report. Previously a full history of the trouble had been submitted to your Office.

The case now stands that the Modocs, numbering three hundred souls, belong by treaty to Klamath, but have not resided within the limits of the reservation except perhaps three months, being in 1870.

They were ill-treated and abused by the Klamath Indians, and the sub-agent failing to protect them, they vacated. Peace has been disturbed and danger seems imminent, and on a strong petition of the white settlers of the Modoc country I have made a requisition on the commander of the Department of the Columbia for assistance, copy of which is herewith transmitted.

If my action is not approved, it would seem necessary to countermand by telegraph, otherwise the attempt to arrest the leaders will be made and war may ensue.

I have suggested in my annual report an alternative, but it has not received any attention known to this office. I should regret bloodshed, but I am powerless to prevent it without I am authorized to locate these people on a new home.

They steadily declare their determination to resist any effort to remove them.

I had a consultation with Hon. F. R. Brundt on this subject, and had hoped to arrest any serious action until the whole matter could have been adjusted.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Hon. F. A. WALKER,
Commissioner Indian Affairs, Washington, D. C.

[Inclosure 2.]

YONCALLA, OREG., *February* 1, 1872.

DEAR SIR: I presume upon the urgency of the case as my excuse for again troubling you about the Modoc Indians now living on Modoc Lake.

I am, as you know, much in favor of treating Indians with forbearance and humanity, and as there were some just grounds for the discontent of this band of Modocs, I fully approve of your purpose last summer to place these Indians on a reservation to themselves. But it seems such an arrangement has even more difficulties in, and objections to, its execution than was then considered.

If these Indians were of the quiet orderly description that the majority of Oregon Indians are, these difficulties would not exist, there would be less opposition to the measure from the white settlers of that country, and they would in the end become reconciled to it. But that they are not obedient, quiet, and orderly is proven by their absence from the reservation assigned them.

Having broken away from the reservation in defiance of the agent and the military' and conciliatory means alone resorted to to induce them to return, they have misunderstood your forbearance and humanity, and think your policy dictated by weakness and fear, and the impunity with which they commit aggressions and levy "black mail" upon the settlers encourages and confirms that belief.

From advices from that quarter their arrogance and impudence have been greater than ever before, and the patience and forbearance of the settlers most inclined to peace is well nigh exhausted. The Indians help themselves to what they want, when by intimidation they fail to obtain permission. Instead of a more friendly feeling growing up between the races, the hatred of the one and assurance of the other is by this conduct continually intensified, and open hostilities may at any day commence between them. This state of things discourages new settlers and keeps those in the country in a feverish state of uneasiness and alarm, and instead of their increased numbers driving the Indians into better behavior, the numbers of the Indians are being constantly recruited by the bad and discontented fleeing to them from the neighboring reservations, and they, being concentrated in a body, they actually hold the settlements on Lost and Link Rivers at their mercy, and being perfectly aware of this fact they use it to their own advantage.

Those Indians sold the country they now forcibly occupy, and years ago received their part of the payment. If the humanitarians who now control Indian affairs have no regard for the lives of white men, women, and children, there are reasons for the removal of these Indians to their reservations, which may be in accordance with their tender sympathy for the welfare of the Indians themselves. While a body of independent and defiant Indians makes a "city of refuge" within a days' travel of two reservations, it will scarcely be possible to introduce or enforce the discipline so necessary and proper a preliminary to the pious and innocent life the Indians are to live under their auspices.

"Moral suasion" may not be a sufficient restraint upon the vicious red, no more than upon the vicious white man; some kind of physical punishment must be the penalty of crime, at least until the moral lessons have had time to bear fruit. Such impious characters, until they learn to be "meek under chastening," will fly to the "city of refuge" rather than quietly submit to be hanged, whipped, or otherwise punished for their crimes; hence those most in need of the lessons of the moral teacher will be out of his reach.

Poets and moralists agree that the "untutored savage" is also a "wild-man," and, like all other wild animals, they chafe and fret under any kind of restraint. They will prefer the liberty and license of the "city of refuge" to even the mild restraints of a pious life on the reservation, and the consequences will be that the "city of refuge" will overflow with inhabitants and the reservation desolate.

The people of the city of refuge, like those of other cities, must be fed and clothed. The white settlers in its vicinity having, by their stock and farming operations, diminished the spontaneous productions of the land, will have to pay tribute to the city. The collectors of the tax may be made rough men, (red though they be,) who are not likely to observe those formalities which reconcile "tame" people to be robbed in the name of the law.

Some settlers, not having the fear of God before their eyes, nor appreciating the just right of the red man to rob them, may try to prevent the tax-collector from driving off their horses, or butchering their cattle. This will cause strife between the red man and the white, and both wicked white and innocent red men also may come to grief in the scuffle.

In tenderness, therefore, to the poor Indians, they had better be removed out of harm's way, and the city of refuge or Modoc Lake broken up. If this is not done before spring opens, it cannot be done this year. As well expect to collect the coyotes out of that region of rock, mountain, and morass as the Indians in the summer season.

No kind of force can pursue as fast as they can retreat, and the military force on the

Pacific is insufficient to hunt them out and route them from their fastnesses. And, as it would be for the red man a struggle for life and liberty, many of their valuable lives might be unavoidably taken in the struggle, and some white men may be killed who are not deserving of our sympathy, or in as much need of being under the benign influence of the gospel of peace as the Indians themselves.

Very respectfully, yours,

JESSE APPELGATE.

Hon. A. B. MEACHAM,
Superintendent Indian Affairs.

[Inclosure 3.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem Oreg., February 8, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of 5th instant. In reply in part, submit herewith copy of letter to Commissioner on this subject.

Further, would state that I had, in my annual report for 1871, recommended that a small reservation be made for the Modoc Indians at the north end of Modoc Lake. No action has been had by the Department that I am aware of. My reasons for asking assistance are set forth, or rather suggested by the petition forwarded to you; otherwise, I would have deferred action until such time as instructions might be forwarded from Washington City. Since my letter to you, I have received a letter from Hon. Jesse Applegate on this Modoc question, a copy of which please find inclosed herewith. I have also learned from J. D. Appelgate, commissary in charge of Yainax, and from J. N. High, Indian subagent at Klamath, that hostilities were imminent. I am of the opinion that any attempt to arrest the chief and his "body-guard" will be resisted by them, and serious consequences may result. Nevertheless, the white settlers must be protected.

In your letter you refer to the agreement made with the commissioners sent by this Department last July, and suggested that no action be had until they were notified to place themselves on the reservation, &c. That council was held at Clear Lake, some sixty miles southeast of Modoc Lake, where they are now located. Hence you perceive they have not kept their part of the agreement, and have forfeited any claim they might have had to forbearance.

I do not realize that there is any justifiable breach of our part of the compact of July last, by compelling them to go on the reservation. Had they behaved honestly, and on their part maintained peaceable relations with the white settlers, they might have Modoc Lake undisturbed. Such has not been the case, and much as I regret the necessity for forcible arrest and return to the reservation, I can see no other way to secure peace and mete out justice.

I would respectfully recommend that the commander at Fort Klamath be instructed to arrest the chief and five or six of the head-men, and hold them in confinement until some further orders shall have been received from Department at Washington.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Gen. ED. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oregon.

[Inclosure 4.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 16, 1872.

SIR: The relations between the settlers on Link and Lost Rivers and the Modoc Indians are, as you will see by the papers heretofore and herewith transmitted to you, of such a character as to lead to serious apprehensions of collisions that may result in hostilities, and in order to avert this result, and to give protection to the settlers, the commanding general directs that you at once establish a force of fifty or sixty cavalry at the point in that section of the country which you may consider best calculated to secure these ends. He desires that you will take this force, in nearly equal proportions, from the cavalry companies at Fort Klamath and Camp Warner, in order to avoid delaying the movement of the companies of the Twenty-third Infantry, or the alternative of leaving these posts without garrisons, if orders for their movement should be received before the duty now directed is completed.

The point to be selected should, of course, be the one most convenient for any military operations that may become necessary, but all possible consideration must also be given to the question of sheltering the men and animals of the command employed on this duty. Yainax Station, on Sprague River, is suggested by the superintendent

of Indian affairs, in his communication of the 23d ultimo, and if there be unoccupied buildings at that station it is possible that arrangements may be made with the Indian Department for the necessary storage and shelter, if that point be suitable in other respects.

The supplies for the use of this command will be drawn either from Camp Warren or Fort Klamath as may be most economical and convenient, but preferably from the latter post, as the surplus on hand is greater at that post than at Camp Warner.

It will probably be more economical to purchase the forage for the animals than to transport it from either post, and if you find it expedient to adopt this course, you will cause the necessary arrangements for the payment to be made in accordance with the provisions of General Order No. 13, Military Division of the Pacific, 1871.

A statement of the quantity of subsistence stores on hand at Fort Klamath by the last return is herewith transmitted.

You will of course limit the supplies to what is indispensable for the health of the command and efficient service in the field.

As the command will probably be obliged to operate by detachments, it should be as fully officered as possible, and you will select them from those of known energy and discretion.

You will be careful to impress upon the commanding officer that the object in view is not to make war upon the Modocs, but, if possible, to avert war by preventing collisions between them and the settlers, and taking such other measures as may be necessary to keep the peace and secure the settlers from depredations and hostilities. The knowledge that troops are in the neighborhoods, and to be employed for these purposes, will restore confidence among the settlers and impress the Indians with the importance and necessity of good conduct.

The inclosed paper will show you that the question of selecting a new location for the Modocs has been submitted to the Commissioner of Indian Affairs by the superintendent for Oregon, and until that question is determined it is not intended that forcible measures should be resorted to, unless the hostile attitude of the Indians should leave you no alternative, but you will co-operate with the agents of that department in their efforts to bring these Indians in, and establish them at the point that has or may be selected for that purpose, and it is believed that, by proper communication and representation, this may be done quietly and peaceably, and that the Modocs will be very willing to remain at that place until the question of their ultimate location is determined. The commanding general considers this point of so much importance that he desires that you will, as far as possible, give it your personal attention, as he relies greatly upon your experience and your knowledge of these Indians to bring about so desirable a result.

In conclusion, he desires me to say that a depredation or robbery committed by an individual Indian is not to be taken as evidence of the hostility of the entire tribe, although all proper efforts will be made to arrest the offenders and bring them to trial and punishment; but if hostilities should actually be commenced or be inevitable, the most prompt and energetic measures must be adopted to suppress and punish them, and to this end, all the resources in men and material at the posts in the District of the Lakes will be at your disposal, taking the precaution, if it should be necessary to use the infantry at any of those posts, that they should not be committed to any duty that would interfere with the contemplated transfer.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieut. Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
District of the Lakes, Camp Warner, Oreg.

[Inclosure 5.]

Extract from] statement of subsistence stores in rations remaining on hand at posts in the Department of the Columbia, December 30, 1871.

FORT KLAMATH, OREG., *December* 31, 1871.

Pork	14,394
Bacon	7,937
Fresh beef	Contract.
Flour	58,777
Hard bread	3,081
Beans	44,959
Rice	14,428
Coffee	63,842

Tea	16,000
Sugar	71,326
Vinegar	45,700
Candles	77,680
Soap	63,100
Salt	92,053
Pepper	75,000

W. H. BELL,
Captain and Commissary of Subsistence, U. S. A.

[Inclosure 6.—Confidential.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 17, 1872.

SIR: Although you are probably aware of the general facts, I think it proper to invite your attention to the complication in the affairs of the Modoc and Klamath Indians, growing out of the attempts that have been or will be made to secure a portion of the lands reserved for them, under claims for settlement, grants for military and railroads, or as swamp lands. The treaty was made on the 14th of October, 1864, but was not finally ratified until the 10th of December, 1869, and proclaimed by the President on the 17th of January, 1870. In this interval a portion of the reservation (in Spragne River Valley) was surveyed, opened for sale and settlement, and grants for military and railroad purposes were made by Congress. It is claimed that these are operations within the limits of the reservation as well as elsewhere, because the grants were made before the final ratification of the treaty. It is also understood that draining operations are in contemplation, which, although they are to be carried on outside of its limits, will have the effect of destroying the value of large portions of the reservation for the purposes for which it was reserved.

The determination of these questions does not in any way belong to the military authorities, and they are brought to your notice as giving a possible motive for some of the complaints against these Indians, and as an additional reason for careful investigation before taking any positive action against them.

It appears to be conceded that the Modocs and Klamaths cannot live together in peace, and the superintendent has suggested a new location for the Modocs. Pending the action upon this suggestion, this difficulty has come up, and while it is clearly the duty of the military to protect the settlers from the depredations or hostilities of the Indians, it is equally their duty to avert any collision that may prevent or delay the quiet and peaceable settlement of this question. Our duty is, if possible, to keep the peace until it is settled.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding Department.

The COMMANDING OFFICER,
District of the Lakes, Camp Warner, Oreg.

[Inclosure 7.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 17, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, and to state for your information, that these papers will be submitted to the division commander, in connection with the correspondence which preceded it, and which has already been forwarded. In the meantime I have instructed the commander of the District of the Lakes to establish a cavalry force of fifty or sixty men at some point in that section, which is most suitable for the protection of the settlers. Yainax Station has been suggested, and will probably be selected by him for this purpose, and I have to request that you will instruct the agent to give the commanding officer any facilities in sheltering and supplying his command, that may be given without embarrassment to the operations of your department; and, if there be any forage or other supplies not needed for your own use, you will authorize its transfer, to be paid for by the proper department of the Army.

The commanding officer has been advised that the question of new location for the Modoc Indians has been submitted by you to the Commissioner of Indian Affairs, and that, pending the decision of this question, force will not be used by the military to

compel the return of the Modocs to the reservation, but that he will co-operate fully with the agents of your department in any efforts that may be made to establish them peaceably at any point that may be selected, and to keep them there until the question is settled. He has also been instructed to give as complete protection as possible to the settlers, and that while robberies and depredations committed by individual Indians are not to be taken as determining the hostile attitude of the tribe, every proper effort will be made to arrest and punish the offenders.

The present duty of the military is to protect the inhabitants, and, if possible, to keep the peace until these questions have been decided by the authority to which they have been submitted. If this cannot be done, the commanding officer is instructed to use all the means in his district for the prompt suppression of hostilities and punishment of the guilty.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The SUPERINTENDENT OF INDIAN AFFAIRS,
State of Oregon, Salem, Oreg.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1872.

Official copies:

E. D. TOWNSEND,
Adjutant-General.

For the COMMISSIONER OF INDIAN AFFAIRS.

B.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 7, 1872.

SIR: I have the honor to transmit, for the information of the major-general commanding the division, a copy of the correspondence in relation to the reported troubles with the Modoc Indians, referred to in my report of the 3d instant.

The first is the complaint of J. M. True and Andrew J. Barrett, transmitted by the commanding officer at Fort Klamath, with copies of the letters to the superintendent of Indian affairs, and to the commanding officer Fort Klamath; and the second is a communication from the superintendent of Indian affairs, inclosing a petition from citizens of Jackson County, Oregon, and asking for a force to compel these Indians to return to the reservation, with copies of letters to the superintendent and to the commanding officer at Fort Klamath.

The treaty with the Klamaths, Modocs, and Yahooskin Snakes was made on the 14th of October, 1864, and approved by the Senate, with certain amendments, on the 2d of July, 1866, but not finally ratified until the 10th of December, 1869. This long delay made the Indians who were parties to the treaty very suspicious, and I have been informed by the superintendent that when the treaty, as amended by the Senate, was interpreted and explained to them, Captain Jack, the present leader of the troublesome Modocs, protested that it did not represent what they had agreed to. He was, however, convinced by the testimony of the other chiefs, and finally assented to it. When they were established on the reservation, they went to work with a good deal of interest to build cabins and inclose ground for cultivation, but were so much annoyed by the Klamaths that they complained to the local agent, who, instead of protecting them in their rights, endeavored to compromise the difficulty by removing them to another location. At this point the same difficulties recurred, and a third selection was made. The Modocs then abandoned the reservation, alleging that the last point selected was a trap to place them in the power of their enemies, the Klamaths.

These changes were made without the concurrence of the superintendent, and, I believe, did not come to his knowledge until after the Modocs had fled from the reservation. All subsequent attempts to induce them to return have failed.

In the summer of last year, and in consequence of complaints against these Indians, the superintendent sent commissioners to confer with them, (see my reports of September 2 and November 3, 1871,) who authorized the Modocs to remain where they then were, until the superintendent could see them. This has been understood as a settlement of the questions, until some permanent arrangement could be made for them, and unless they have violated some subsequent agreement, I do not think that the immediate application of force as asked for would be either expedient or just. They should at least be notified that a new location has been selected for them, and provision made for their wants. They should also be allowed a reasonable and definite time to remove their families, and fully warned that their refusal or failure to remove to the reservation within the appointed time would be followed by such measures as may be necessary to compel them.

I am not surprised at the unwillingness of the Modocs to return to any point of the reservation where they would be exposed to the hostilities and annoyances they have heretofore experienced (and without adequate protection) from the Klamaths, but they have expressed a desire to be established upon Lost River, where they would be free from this trouble, and the superintendent informed me last summer that he would endeavor to secure such a location for them.

In no other respect are the Modocs entitled to much consideration, and although many of the complaints against them have been found to be greatly exaggerated, they are, without being absolutely hostile, sufficiently troublesome to keep up a constant feeling of apprehension among the settlers.

Very respectfully, your obedient servant,

E. R. S. CANBY,
Brigadier-General Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, February 21, 1872.

Respectfully forwarded to the Adjutant-General, concurring in the opinion of General Canby that no action should be taken toward a forcible removal of the Modoc Indians until the question of their permanent location is settled.

J. M. SCHOFIELD,
Major-General Commanding.

[Inclosure 1.]

LINK RIVER, OREGON, *January* 2, 1872.

SIR: The bearer of this is Mr. Charles True. Mr. True resides on Lost River, near the Modoc rendezvous, and owns a land-claim, with stock. The Modoc Indians that have been formerly so troublesome to the settlements in that vicinity, have of very recent date attempted to impose on Mr. True, and also others in that immediate neighborhood, to my certain knowledge. If you can render us any service in having those

threatening marauders removed, we would be under great obligations. We all feel an equal interest in having these Indians removed from our settlements, and placed upon the reservation where they belong. Any statement that Mr. True makes I will vouch for, as I am personally acquainted for several years with him, and know him to be a man of his word.

Very respectfully, your obedient servant,

ANDREW J. BURNETT.

Major JACKSON,
Commanding Fort Klamath.

[Inclosure 2.]

STATE OF OREGON,
County of Jackson, ss:

Personally appeared before me, the undersigned, this 3d day of January, A. D. 1872, one J. M. True, of Lost River, Oregon, who deposes and says that certain Indians, of the Modoc tribe, came to his (True's) house, and knocked down the fences which inclosed his hay-stacks, and turned their ponies on to the hay, and also took hay away to their wigwams, and also fed hay to their ponies, carrying it away nightly for several nights. They also stole household utensils from Mr. Doten, and halters from Mr. Whitney; both of the aforesaid parties living near Mr. True. They also ordered Mr. True not to take away any hay belonging to him, (True,) and demanded money from Mr. True. Captain Jack, chief of the Modocs, threatened the lives of several white men, among others Messrs. Ball and Blair, living near Lost River, Oregon. Mr. True also believes that there is a likelihood of those threats being carried into effect.

J. M. TRUE.

Sworn to and subscribed before me at Fort Klamath, Oregon, the 3d day of January, 1872.

W. L. CLARKE,
First Lieutenant Twenty-third Infantry, Adjutant.

[Inclosure 3.]

HEADQUARTERS, FORT KLAMATH, OREGON,
January 10, 1872.

SIR: I have the honor to forward herewith inclosed affidavit of Mr. True, in relation to Indian disturbances; also letter of Mr. Burnett.

I am, sir, very respectfully, your obedient servant,

G. G. HUNT,
Major First Cavalry, Commanding Post.

ACTING ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oregon.

[Inclosure 4.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 25, 1872.

SIR: The commanding general instructs me to acknowledge the receipt of your communication of the 10th instant, transmitting affidavit and letter relative to depredations committed by Captain Jack's band of Modoc Indians, and to ask if you have any further information regarding the report. The commanding general desires that, in forwarding papers of this character, you add such information as you may have as to the reliability of the statements, and all facts connected with them.

Very respectfully, your obedient servant,

LOUIS V. CAZIARK,
First Lieutenant Second Artillery, A. A. A. G.

The COMMANDING OFFICER,
Fort Klamath, Oregon.

[Inclosure 5.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., January 25, 1872.

SIR: The commanding general instructs me to inclose for your information a copy of a letter from the commanding officer, Fort Klamath, forwarding statements relative to depredations committed by Captain Jack's band of Modoc Indians, and to ask you to please furnish him, if you can, a tracing of the recent survey of the Klamath reservation.

Very respectfully, your obedient servant,

LOUIS V. CAZIARK,
First Lieutenant Second Artillery, A. A. A. G.

The SUPERINTENDENT OF INDIAN AFFAIRS,
State of Oregon, Salem, Oreg.

[Inclosure 6.]

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., January 25, 1872.

SIR: Inclosed please find petition from citizens of Jackson County, Oregon, for removal of Modoc Indians.

I would respectfully ask that the said Indians be removed to Yainax Station, Klamath reservation, by the military force now at Fort Klamath. I would also suggest that sufficient force be sent on this mission to insure success, say fifty men. I have ordered arrangements to subsist the Modocs at the place above named, and have instructed E. D. Applegate, commissary at Yainax, to confer with commander of post, and to accompany said expedition, if agreeable to your department.

Now, if it is not consistent with your views on this subject to comply with the above request, I would respectfully ask that a military force of the number designated be placed subject to requisition of Commissary Applegate for the purpose above stated. Winter is the only time to successfully operate against these Indians.

I regret very much the necessity of this action, but the peace and welfare of white settlers and Indians demand that it be done promptly.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

General CANBY,
Commanding Department Columbia, Portland, Oreg.

[Inclosure 7.]

Hon. A. B. MEACHAM,
Superintendent of Indian Affairs:
General CANBY,
Commanding Department Columbia:

We, the undersigned citizens of Lost Link River, Klamath, and Tule Lake country after suffering years of annoyance from the presence of the Modoc Indians, who, through the delay of the Indian and military departments, have not been removed to the reservation, as required by the treaty stipulations of 1865, entered into by the authorized agents of the Government and the chief of the Modoc Indians, by which all their lands were ceded to the United States, except those embraced in the reservation, as stipulated in said treaty; but notwithstanding all the conditions of said treaty have been faithfully performed on the part of the Government, it is a well-known fact that a factious band of the Modocs, of about three hundred, who were parties to that treaty, have, through the influence of citizens of an adjoining State, who have been engaged in an illicit traffic with them, been instigated to set the authority of the Government at defiance, and to utterly refuse compliance with their treaty stipulations by not going on the reservation; and since there is no longer any conflict between the Indian and military departments, such as prevented Sub-agent Applegate from bringing these Indians on the reservation, we therefore make this earnest appeal to you for relief, knowing you have the cavalry force we petitioned to have sent to Fort Klamath two years ago for this specific purpose at your command. We ask you to use for the purpose for which it was procured, that the departments, both civil and military, have not been kept ignorant of the fact that we have been repeatedly on the verge of a desolat-

ing Indian war with this band of outlaws, who, by your delay to enforce the treaty, have been led to despise rather than respect the authority of the Government; their long-continued success in defying its authorities has emboldened them in their defiant and hostile bearing, until further forbearance on our part, too, would cease to be a virtue; that in many instances our families have become alarmed at their threats to kill and burn, until we were compelled to remove them for safety across the Cascade Mountains, thereby suffering great loss of time and property. That the agent at Klamath and commissary at Yainax, during this long delay growing out of this unfortunate conflict of departments, have done all they could to prevent war and bring about an amicable adjustment of our troubles, we have no reason to doubt; but we ask now, since so much conflict exists, shall a petty chief, with twenty desperadoes and a squalid band of three hundred savages, any longer set at defiance the strong arm of the Government, driving out citizens from their homes, threatening their lives, and destroying their property? Their removal to the reservation in the winter season may be easily accomplished by any one acquainted with them and their country, and will not require more force than can be furnished from Fort Klamath. We recommend Commissary A. D. Applegate, of Yainax, to the consideration of the Department as a suitable man to take charge of any forces or expedition looking to their removal. His long connection with the Indian Department, and thorough knowledge of them and their country, and all facts connected with this whole Modoc question, and, as a stock-raiser, equally interested with us in their removal, point him out to us as the right man in the right place in charge of this much-needed expedition for the removal of this band of Modocs to their reservation, for which we, your petitioners, will ever pray.

Signed by—

Frank Hefling.
J. N. Shook.
Samuel Clover.
James H. Callahan.
David P. Shook.
I. J. Brattam.
C. A. Miller.
I. C. Turindge.
G. B. Van Ripser.
P. H. Springer.
J. V. Kulm.
H. Berlmann.
Thomas Callar.
G. M. Rambo.
Drury Davis.
H. Duncan.
D. C. Eilgor.
Joseph Lonyell.
Simpson Wilson.
Thomas Wilson.
W. Dingman.
John Clear.
W. H. Miller.
Isaac Harris.
George Thomas.
Willis Hall.
E. Hall.
H. Hall.
I. T. Heart.
James Vinson.
G. S. Miller.
Edwin Crook.
A. C. Modic.
O. H. Swingle.
Joseph Seeds.
John E. Naylor.
George Vuen.
Edward Overton.
William Roberts.
John Gatbrad.
W. Hicks.
O. A. Stearns.
O. L. Stearns.
John Fulkerson.

[Inclosure 8.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 5, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of January 25, in relation to the Modoc Indians, and also of the sketch of the Klamath reservation as recently surveyed, which reached me on Saturday.

Referring to the report of the commissioners appointed by you to confer with the Modoc chiefs, and transmitted in your letter of August 28, 1871, I find it stated as the result of that conference: "Under the circumstances we did not think in advisable to talk very much with them, further than to advise them not to do anything that would have a tendency to cause any collision between them and the settlers; to remain where they were until they saw you, and not to resist the military under any circumstances, and to pay no attention to the talk of irresponsible parties." This has been understood as a temporary settlement of the question, and as authorizing them to remain for that time at the point where they were found by the commissioners. Unless some different arrangement has since been made, I think that it would not be expedient or politic to send a military force against these Indians, or at least until notified of the determination of the Government of the point at which they are to be established,

and fully warned that they will be treated as enemies if within a reasonable and specified time they do not establish themselves as required.

I shall be pleased to hear from you fully upon this subject, and as early as may be convenient, and in the mean time will send a copy of your communication to the commanding officer at Fort Klamath, to take all necessary measures to protect the settlers against hostilities from the Modocs, and to be prepared to aid in their removal to the point indicated in your communication, should forcible means become necessary.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

Hon. A. B. MEACHAM,
Superintendent of Indian Affairs for Oregon, Salem, Oreg.

[Inclosure 9.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 6, 1872.

SIR: The commanding general instructs me to inclose for your information a copy of a communication from the superintendent of Indian affairs for Oregon, in relation to the Modoc Indians, and of the general's letter to him in reply thereto. He is not disposed to use military force, as desired by the superintendent, until satisfied of its full necessity, and after all other proper means have been resorted to, and failed to accomplish the desired result, and in relation to which you will hereafter be instructed. In the mean time he directs that all necessary measures be taken to protect the settlers in the vicinity of your post from the hostilities of these Indians, if any such are threatened, and that any complaints of depredations, or other acts of hostilities committed by these Indians, be at once, and as fully as possible, investigated, and the results reported.

Very respectfully, your obedient servant,

LOUIS V. CAZIARC,
First Lieutenant Second Artilery, A. A. A. G.

The COMMANDING OFFICER,
Fort Klamath, Oregon.

ADJUTANT GENERAL'S OFFICE,
Washington, March 11, 1872.

Official copies:

E. D. TOWNSEND,
Adjutant-General.

For the COMMISSIONER OF INDIAN AFFAIRS.

WAR DEPARTMENT,
Washington City, March 27, 1872.

SIR: In connection with previous papers on the subject, transmitted to you on the 19th instant, I have the honor to inclose herewith, for your information, copies of further papers received at this Department in relation to the threatened difficulties with the Modoc Indians.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
March 29, 1872.

Respectfully referred to the Commissioner of Indian Affairs.

J. L. DELANO,
Chief Clerk.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., March 5, 1872.

SIR: I have the honor to forward herewith copies of communications from the governor of Oregon, the superintendent of Indian affairs, and the commanding officer Fort Klamath, having reference to the threatened difficulties with the Modoc Indians, for the information of the division commander.

Very respectfully, sir, your obedient servant,

E. R. S. CANBY,
Brigadier-General, Commanding Department.

To ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, March 12, 1872.

Respectfully forwarded to the Adjutant-General.

J. M. SCHOFIELD,
Major-General Commanding.

[Inclosure.]

HEADQUARTERS FORT KLAMATH, OREGON,
February 18, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of February 6, 1872, inclosing copy of letter of Hon. A. B. Meacham to General Canby, and the general's reply, relating to the Modoc Indians.

At present these Indians are not disturbing the settlers, or giving any trouble. The instructions as given in your letter I will make every effort to carry out. If any complaints of depredations or other acts of hostility are committed by these Indians I will at once fully investigate them and report the result.

I am, sir, very respectfully, your obedient servant,

G. G. HUNTT,
Major First Cavalry, Commanding Post.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., February 19, 1872.

Sir: Governor Grover has this day called on me and is very solicitous about Modoc matters. I have no further official information, but, from private letters, learn that the white settlers are making preparations for self-defense. I can only renew my recommendation that the Modoc chief and its head men be placed under arrest at Fort Klamath.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

Gen. E. R. S. CANBY,
Commanding, &c., Portland, Oreg.

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, February 20, 1872.

SIR: I have the honor to inclose herewith a petition from the citizens of the Link River country in Jackson County, Oregon, referring to the disturbed condition of the

Indians in that region, and asking my influence to assist them in procuring relief from threatened Indian hostilities.

It appears to me that there is ground of serious difficulty with the Indians in that quarter, and I confidently trust you will be impressed with a like view of the matter.

The superintendent of Indian affairs at this place agrees with me that something should be done to arrest the present tendency to disturbance, and to let the Indians feel that a restraining hand is over them.

I therefore solicit your attention to be given to the subject of this petition, which is composed, to my knowledge, of names of reputable citizens.

I am, sir, most respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

Maj. Gen. ED. R. S. CANBY,
Commanding Department Columbia.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., February 21, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, inclosing a petition from citizens of Jackson County for protection against the Modoc Indians, and to state, for your information, that on the 16th instant instructions were sent to the commanding officer, District of the Lakes, to establish a sufficient cavalry force in that neighborhood to give protection to the settlers. Instructions had previously been sent (February 6, 1872) to the commanding officer at Fort Klamath to take all necessary measures for the protection of the settlers in Jackson County.

It is believed that the presence of the troops will be sufficient to restore confidence and restrain the evil-disposed among the Indians until arrangements can be made for carrying out the determination of the Indian Department in relation to them. Until the questions which have been submitted by the superintendent to the Commissioner of Indian Affairs have been decided, it is obviously our duty while giving protection to the settlers to prevent a war if possible. If that cannot be done, all the force that may be needed for its suppression and for the protection of the inhabitants will be applied, and the commander of the district has been so instructed.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General Commanding.

His Excellency the GOVERNOR OF OREGON,
Salem, Oreg.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Salem, Oreg., February 22, 1872.

SIR: Inclosed herewith find copy of correspondence with the military department, from which you will learn the present status of things in general.

If the commander of the District of the Lakes should decide to locate a cavalry station at Yainax, you will furnish such shelter, supplies, and forage as may be at your command without doing injustice to the department or Indians, and otherwise co-operate with the military department. My opinion as to the proper location of a cavalry station has been expressed to General Canby, and reasons given therefor.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

I. D. APPLEGATE, Esq.,
Commissary in Charge, Portland, Oreg.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., February 22, 1872.

SIR: I have the honor to acknowledge the receipt of yours of 17th instant.

In reply would respectfully suggest Linkville or Langell's Valley as a more eligible point from which to operate with cavalry against the Modocs than Yainax.

Reason 1. The first two named places are situated within four or five hours' ride of the Modoc Camp, without mountains or other impediments to travel. Yainax is distant some fifty or sixty miles from the Modoc Camp, with mountains intervening.

2. I doubt whether shelter, supplies, or forage can be furnished at Yainax, while doubtless all these indispensables can be readily obtained at Linkville or Langell's Valley.

No protection is asked for by Commissary Applegate, at Yainax, and I believe the presence of a cavalry force at Linkville or Langel's, would intimidate and hold in subjection the Modocs, and give assurance to the white settlers of protection, which it would not if stationed at Yainax.

Having only a sincere desire to preserve the peace, and to do equal and exact justice to all interested parties, I venture the suggestion founded on personal knowledge of the country and circumstances.

If, however, it shall be decided to establish a cavalry station at Yainax, the Indian Department will co-operate with and furnish such shelter, supplies, and forage as may be available.

A copy of communication to Commissary Applegate on this subject is herewith transmitted.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent of Indian Affairs in Oregon.

Gen. E. R. S. CANBY,
Commanding Department of Columbia, Portland, Oreg.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 23, 1872.

Official copies :

E. D. TOWNSEND,
Adjutant-General.

For the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 12, 1872.

SIR; I inclose herewith copies of papers received by this Department by reference from the honorable Secretary of War in reference to the hostile attitude of an apprehended trouble with the Modoc tribe of Indians.

You are instructed to have the Modoc Indians removed, if practicable, to the reservation set apart for them under the treaty concluded with said Indians, October 14, 1864, and, if removed, to see that they are properly protected from the Klamath Indians.

If they cannot be removed to or kept on the reservation, you will report your views as to the practicability of locating them at some other point, and if favorable to such location, you will give a description by natural boundaries, if no other can be given, of the reservation that should be set aside for them.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL,
Superintendent Indian Affairs, Salem, Oreg.

WAR DEPARTMENT,
Washington City, May 2, 1872.

SIR: Your attention and that of the Indian Bureau is respectfully invited to the inclosed copies of a report of the commanding general of the Department of the Columbia, of apprehended trouble with the Indians

in Southern Oregon, unless they are permanently settled on reservations during the present season.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
May 4, 1872.

Respectfully referred to the Commissioner of Indian Affairs.

A. S. H. WHITE,
Acting Chief Clerk.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 13, 1872.

SIR: Major Otis, commanding the District of the Lakes, and the superintendent of Indian affairs for this State, are of the opinion that there will be some trouble with the Indians in Southern Oregon unless they can be collected and permanently established on a reservation during the coming season. The former superintendent (Mr. Meacham) also concurs in this opinion.

It is presumed that appropriations will be made by Congress to carry out the recommendations heretofore made for the establishment of these Indians upon a reservation within the Territory reserved for that purpose by the Executive order of March 14, 1871, but the subject is regarded as of so much importance that I have the honor to recommend that it be again brought to the notice of the War Department.

If this arrangement can be carried out, it will not only give greater security against Indian troubles, but will materially diminish the expenses of the military establishment in that part of the country.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, April 17, 1872.

Respectfully forwarded to the Adjutant-General, concurring with General Canby in his opinion of the importance of this subject.

J. M. SCHOFIELD,
Major-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, April 29, 1872.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

The COMMISSIONER OF INDIAN AFFAIRS.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., June 17, 1872.

SIR: In answer to your letter of the 12th of April last, inclosing copies of papers from the honorable Secretary of War in reference to the hostile attitude of, and apprehended trouble with, the Modoc Indians, I have the honor to report that, in pursuance of your instructions therein contained, I at once directed Agent Dyar, of Klamath agency, and Ivan D. Applegate, commissary in charge of Camp Yainax, to

meet the chiefs and head men of said tribe of Indians, and endeavor to persuade them to go upon the Klamath reservation, authorizing the assurance to be given that they should be fully protected.

A council was held with said Indians on the 14th ultimo, and the result thereof is contained in the report of Mr. Applegate, a copy of which is herewith inclosed. I referred the matter to the gentlemen named for the reason that Mr. Applegate has for many years been intimately acquainted with these Indians, speaks their language fluently, and possesses their confidence to an extent greater than any one else.

The leaders of these Indians are desperadoes, brave, daring, and reckless, and their superior sagacity enables them to exercise full and complete control over the rest of the tribe. They have for so long a time been permitted to do as they please, that they imagine they are too powerful to be controlled by the Government, and that they can, with impunity, defy its authority. This, in my opinion, is the whole secret of their insubordination. They must in some way be convinced of their error in this respect, by such firm, decided action as will leave no doubt in their minds in regard to the fact that we intend they shall be obedient to law and faithful to their treaty obligations. This need not, and with proper management will not, require the use of force. When they shall have been thus convinced, we can with reasonable hope of success commence the work of civilizing and christianizing them, and transforming them into peaceable self-controlling and self-supporting men and women.

Unless the leaders shall in some way be restrained from pursuing the reckless, defiant course they have heretofore been permitted to pursue, all theories in regard to their advancement in civilization must fail, and there is reason to apprehend serious trouble, and perhaps war, at no distant day.

As well might we expect our own youth to grow up in the practice of Christian virtues under the tutorship of the "road-agents" of Montana, or the guerrillas of Mexico, as to think of instilling any good into the minds of the Modocs while under the exclusive control, as they have been, of their present leaders.

I think the most effectual way to bring about a solution of these troubles, and maintain peace, is to take the head men into custody, and hold them at some point remote from their tribe until they shall agree to behave themselves. We deprive white men of their liberty as a reformatory measure, and it certainly could not be considered less humane to adopt the same course with these chiefs.

Not long since I had a conversation with Major Elmer Otis, who was in command of the troops in the district including these Indians, in which he expressed the opinion that all trouble with them could be settled by arresting the leaders, and compelling the others to go upon Klamath reservation. His opinion, as well as that of Messrs. Applegate and Dyar, is, that Camp Yainax, on Klamath reservation, is the best place in that whole country for the Modoc Indians; that they will be as well contented and as easily kept there as at any other place that could be selected. I agree with them in this, and therefore respectfully report against the propriety of locating them elsewhere.

I do not believe it practicable to remove them to the Klamath reservation at this season of the year without using the military for that purpose, and then, if they should resist, I doubt whether there is sufficient force in the vicinity to compel them to go. Major Otis, stated in the conversation I had with him, that the peremptory order for them to go upon the reservation should not be made before the last of Septem-

ber, for the reason that it would be difficult to enforce such order before the commencement of winter.

It is the opinion of Major Otis, and other military officers and citizens, that a reservation should be selected on the head-waters of Malheur River, or in the Stein Mountain country, on which the Pi-Utes (or Snakes) should be located. I believe this practicable and advisable, but await orders from you in regard to it. It is estimated that there are five hundred Pi-Utes on the head-waters of the Malheur River who have never been on any reservation, and two hundred more at Yainax who desire to go back to where their people are in the Malheur country.

Very respectfully, your obedient servant,

T. B. ODENEAL,
Superintendent Indian Affairs, Oregon.

Hon. F. A. WALKER,
Commissioner, &c., Washington, D. C.

[Inclosure A.]

CAMP YAINAX, *May* 8, 1872.

SIR: Your communication of April 27 relative to the Modocs and their permanent location has been received, and I reply with no little embarrassment, for this is an old and vexed question, and one upon which there is much difference of opinion; in fact any solution of the question will have its opponents.

In regard to removing the band to Klamath reservation, and protecting them from the Klamaths, I give it as my opinion that the plan is not only practicable but is really the only policy that can be adopted with any hope of success; but it is reasonable to believe that they will not come on to the reservation peaceably while their present leaders are in power; at any rate not until they are convinced that the military will be used against them in case of refusal. I feel confident that in winter they could be moved quite easily by the troops stationed at Fort Klamath, but at this season an attempt to bring them by force might be attended with considerable danger to the settlers now in that country. Yet I am inclined to the opinion that a positive order to remove to the reservation made when a force of fifty or sixty cavalry can be at hand in their country ready for immediate action would have the desired effect, and that most if not all the Modocs would obey; and even this plan of action might lead to a very destructive war, for the Indians, of whom there are at least fifty active, well-armed warriors, might go into the mountains adjacent to the scattering settlements, do a great deal of damage, and really be almost invincible until hemmed in again by the snows of next winter. They are well armed and clothed, well supplied with ammunition, and are undoubtedly encouraged by certain white men in Siskiyou County, who perhaps profit by their trade.

The proposition to arrest the leaders is one worthy of serious consideration, and in this plan may lie the solution of the problem, but under the present understanding between the departments, both Indian and military, and the chief, Captain Jack, the arrest would no doubt be regarded by the Indians as an act of treachery on our part, and might hereafter destroy their confidence in the Indian Department to a great extent; and the military might be averse to taking any action while they consider the agreement made with Captain Jack by the late superintendent, A. B. Meacham, is still in force, the nature of which agreement was, as you will see by records in your office, that until the matter of setting apart a separate reservation for them should be adopted or disapproved, and the matter of their permanent location be positively determined by the Department, they should remain unmolested in the Modoc country; they, on their part, "doing nothing that would have a tendency to cause a collision between them and the settlers."

In a communication addressed to Superintendent A. B. Meacham, under date February, 17, 1872, Gen. E. R. S. Canby says: "The commanding officer has been advised that the question of new location has been by you submitted to the Commissioner of Indian Affairs, and that pending the decision of this question force will not be used by the military to compel the return of the Modocs to the reservation." Unless assured that the new-location idea is abandoned, perhaps the military would not give the order to arrest those men.

If it could be arranged it is my opinion that the arrest of Captain Jack, Black Jim, Scar-faced Charley, Boston, and Enchoaks, the medicine-man, would settle all trouble,

and I am satisfied that if properly planned and managed with great caution it can be done with no very great risk and with a comparatively small force. Only for the appearance of being a breach of faith on the part of the Department, it could have no bad influence on the other Indians.

As to their location elsewhere than on the Klamath reservation, I must say in all candor that I cannot consider such plan is either right or practicable. Allow me here to give a few reasons for so thinking.

The Modocs, as parties to the treaty of October 14, 1864, ceded to the United States the very country over which they are now roving. Their right being thus extinguished, the country was thrown open to settlement. Much of it has been located as State land, and nearly every foot of it fit for cultivation has been taken up by settlers, whose thousands of cattle, horses, and sheep are ranging over it. The country where these Modocs are is a pastoral region, not an agricultural country, and to undertake to maintain them on a small reservation there would probably cost more than to provide for them and the Klamaths on this reservation, which is so well fitted by its various resources as a home for them.

These Modocs really are only a fragment of the Klamath Nation, having common sympathies, speaking the same language, and being closely intermarried with the several bands on the reservation, and if located on a new reservation a constant and annoying intercourse would be the effect, and their success in being located there in violation of treaty stipulations would have a demoralizing influence on the other Indians.

The white settlers are very much opposed to establishing a new reservation for this band of desperadoes, and their determined opposition would keep up a continual conflict, even though the location should be made, and likely would be sufficient to make the thing a failure in the end.

Chief Skurtian, formerly recognized as chief of all the Modocs, now an old man, still remains here with over a hundred of his tribe, still faithful to his obligations, and still anxious and hopeful that his people who have been led away by Captain Jack will be brought back where they belong. Through Skurtian's people I shall immediately send word to Captain Jack, asking him to meet Mr. Dyer and I without delay on Lost River, and the result of the council will be reported to you as soon as possible after it occurs.

Very respectfully, your obedient servant,

J. D. APPLEGATE,
Commissary in Charge.

Hon. T. B. ODENEAL,
Superintendent Indian Affairs, Salem, Oreg.

[Inclosure B.]

YAINAX, *May* 16, 1872.

SIR: Under date of May 8 I wrote you in answer to your letter of inquiry in regard to the Modoc matter, and I now would most respectfully report further that on the 14th instant, in company with Mr. L. S. Dyar, agent at Klamath, I met the chiefs and head-men of all the Modocs, both those under Skeurian and Captain Jack, at the military camp on Lost River. I used every argument to induce them to return peaceably to the reservation, telling them that this was the desire of the Department, that such action would insure them all the rights and privileges now enjoyed by the other Indians on this reservation, and that they would have perfect protection against the Klamaths.

I did not think it warranted by my instructions, nor was it in my judgment prudent, to demand of them to return, or even to say to them that they would have to come, considering that at this season hostilities would certainly result in great loss of life and property. I was not willing to make any issue, but thought it best to leave the matter of their final settlement still open, feeling satisfied and still hoping for success based on their good conduct. They will be now likely to remain peaceable. I asked Captain Jack if he would obey the orders to come on the reservation, but he did not answer pointedly. While he hesitated, Black Jim and several others told him in their own language that it might be dangerous to say no. Jack then said that he would not answer the question, for it would make a "dispute." Considering all things, I did not think it best to press the question further. Jack's speech was substantially as follows:

"We are good people and will not kill or frighten anybody. We want peace and friendship. I am well known and understood by the people of Yreka, Cal., and am governed by their advice. I do not want to live upon the reservation, for the Indians there are poorly clothed, suffer from hunger, and even have to leave the reservation sometimes to make a living. We are willing to have whites to live in our country, but do not want them to locate on the west side, and near the mouth of Lost River, where we have our winter camps. The settlers are continually lying about my people and trying to make trouble."

I feel quite safe in saying, that there is not much probability of any serious trouble from these Indians as matters now stand, but if the cavalry force is ordered away before winter there will be great danger of open hostility. Any action against them in the summer will be attended with more or less danger.

One very bad feature in the matter is the fact that there is a very bitter feeling among the settlers against these Modocs. The delay in moving them has made some of the settlers almost desperate, and it is hard to reason with such people, and keep them from doing some act that might bring on a general massacre, and yet it would perhaps be safest to risk this and let the matter rest till winter.

Very respectfully, your obedient servant,

J. D. APPLEGATE,
Commissary in Charge.

Hon. T. B. ODENEAL,
Superintendent Indian Affairs, Salem, Oreg.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
June 21, 1872.

SIR: I transmit, herewith inclosed, official copies of papers furnished this office by the Adjutant-General of the United States Army, on the 13th instant, pertaining to the Modoc and other tribes of Indians in the State of Oregon.

You are directed to consider these papers in connection with those transmitted to you on the 12th of April last relative to the Modoc Indians, and report your views in reference to the recommendations of Major Otis and others with as little delay as possible.

Return the inclosed papers with your report.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL, Esq.,
Superintendent Indian Affairs, Salem, Oreg.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oreg., July 3, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, inclosing official copies of papers (which I herewith return to you) in reference to the Modoc and other tribes of Indians in Oregon.

In addition to my report of the 17th ultimo, relative to the same subject, I have to say that I fully concur with Major Otis in his views and opinions, and indorse the recommendations contained in the aforesaid papers in regard to the selection of a new Indian reservation in Southeastern Oregon.

Very respectfully, your obedient servant,

T. B. ODENEAL,
Superintendent Indian Affairs, Oregon.

Hon. F. A. WALKER,
Commissioner, &c., Washington.

[Inclosure A.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., April 17, 1872.

SIR: I have the honor to transmit a copy of Major Otis's report in relation to the Modoc Indians, with an abstract of the proceedings had at a conference with Captain

Jack, and also of the testimony collected by him in relation to the conduct of these Indians.

I propose to hold the Modocs under quiet supervision for the present, by keeping a detachment of cavalry at the point selected by Major Otis, for the purpose of exercising a salutary restraint upon the Indians, and preventing any collision between them and the settlers. The temper of both parties is such, that a very slight cause may give rise to serious consequences.

The reservation which these Indians desire, and which the former superintendent promised that he would endeavor to secure them, is outside of the limits of the present reservation, and the project of establishing them there will meet with serious opposition from the settlers in that neighborhood, and under present circumstances probably will not be advisable.

If, however, the Pih-Utes, who are now on Sprague River, can be gratified in their wish to be established on a reservation in their old country, it would leave an opening that would be acceptable to the Modocs, and far enough from the Klamaths to secure them from the annoyances they have heretofore experienced.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

HEADQUARTERS DISTRICT OF THE LAKES,
Portland, Oreg., April 13, 1872.

SIR: I have the honor to report that, in compliance with headquarters Department Columbia, dated Portland, Oreg., February 16, 1872, I have started from Camp Warner, Oregon, March 15, 1872, with a detachment of two officers, Capt. D. Perry, First Cavalry, and Second Lieut. J. G. Kyle, First Cavalry, stationed at Camp Bidwell, California, Acting Assistant Surgeon L. L. Door, Chief Packer Mason McCoy, Guide and Interpreter Donald McKay, twenty-seven enlisted men, and a pack-train of twenty-five mules, *en route* to the Modoc country, via Fort Klamath, Oregon, at which point I arrived on the 24th ultimo, after a most tedious march.

The roads were in a most horrible condition from mud and snow. The whole country to four miles west of Yainax agency appeared to be perfectly soaked with water, making it necessary to frequently unpack the pack-train and carry the cargo by hand. From the head of Drew's Valley to Round Grove, a distance of ten miles, we encountered a heavy snow, partially melted and frozen, with a crust on top sufficient to bear a man but insufficient to bear a horse, most of the way. Where the horses did not break through the pack-train did, which rendered the advance exceedingly tedious. From Yainax bridge four miles west across Sprague River the road was solid and good.

On my arrival at Klamath, our animals of the pack-train were so worn out and jaded, that I thought it advisable to remain there a week for recuperation.

On the 20th of March I started Guide and Interpreter Donald McKay, with four Indians whom I had employed temporarily, to invite the Modocs to a conference ten miles from Link River lach, on Lost River, at a place called "the Gap," without any troops on my part.

On the 1st of April, the command started for Link River, consisting of a detachment for Camp Warner, except Acting Assistant-Surgeon L. L. Dorr, who was detached to accompany the company moving from Camp Harney to the Central Pacific Railroad, in compliance with instructions from headquarters Department of the Columbia, dated Portland, Oreg., March 8, 1872. The detachment taken from Fort Klamath consisted of Lieutenant Moss, Acting Assistant-Surgeon C. W. Knight, twenty-three enlisted men, and ten pack-mules.

The command arrived at Link River on the 2d instant, where I met the scouts returned from the Modoc band. They reported that Captain Jack had sent to me a messenger who accompanied my scouts; also a second messenger who had overtaken the first a few miles out. I informed these messengers in substance, that I was very sorry that Captain Jack would not come to see me; that I had sent for him for his own benefit; that I should move my troops immediately into his country, and that I should go to see Captain Jack. The second messenger, after some talk, then informed me that Captain Jack was very much afraid, but that he would come and see me to-morrow (the 3d instant) at the Gap, if I would not take my troops. These were my first conditions, and I accepted them, and accordingly took with me Mr. High, sub-Indian agent, Klamath agency, and Mr. J. D. Applegate, commissary at Yainax agency, Guide and Interpreter McKay, and the Indian scouts, and proceeded to the Gap.

About noon Captain Jack, with some thirty-five or forty Indians, made his appearance, all armed. He left some of his arms on the opposite side of the river, and we proceeded to council with him, and about thirty-five of his warriors. Some of the ad-

joining neighbors—settlers of the vicinity—also made their appearance. The report of the council is herewith inclosed. It may not be worded exactly as uttered, but it is in substance.

The white settlers in the neighborhood of the Modocs appear to be considerably alarmed, and consider that both their lives and property are in danger.

In the report of the council it will be seen that Captain Jack denies many of the allegations against him, and promises good behavior in future. This certainly will be assured as long as the troops are in their vicinity, and probably his conduct will be much improved by the visit of the troops, as he was much frightened when he heard that the troops were coming. He had apparently been of the opinion that no troops would be sent against him, or any number sent in his country.

Captain Jack and his band are now occupying the country at the north end of Tule Lake, at the place proposed by the superintendent of Indian affairs as their future reservation, but scatter all through the country from Yreka to the Yainax agency. At the end of the council I considered that I had matters of sufficient importance to justify my journey to this place, and lay the whole before the general commanding, which will be made the subject of a future report.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

Official copy:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

[Inclosure B.]

Abstract of proceedings of conference between commanding officer District of the Lakes, and Captain Jack, chief of the Modoc Indians, 3d April, 1872, and of testimony taken at the conference and at Linkville, Oreg., regarding the conduct of these Indians.

On the 3d of April, 1872, Major Elmer Otis, First Cavalry, held a talk with Captain Jack, chief of the Modoc Indians, at "the Gap," on Lost River, Oregon. Mr. High, sub-agent of the Klamath agency, and Mr. Applegate, commissary at Yainax Station, and about thirty-five men of the Modoc tribe, were present.

Major Otis informed Captain Jack that settlers complain that his band frighten women and children at their homes during the absence of the men, by going about armed and demanding food; that the Modocs have stolen cattle and hay for their ponies, have broken down fences and turned their animals in to graze, or have trampled down the grass in hay-fields while in the pursuit of game; that these acts are charged as committed during the past winter and still continued.

Captain Jack was warned that he must restrain or punish his men, or the whites would do it. He was reminded that the country in which he lives does not belong to his tribe, having been ceded by the Klamath treaty which the Modocs signed; that his band were only suffered to remain where they are until the President can determine the propriety of giving them a suitable portion of land to live on apart from the Klamaths, and he was warned that he must control his men thoroughly, and prevent their further molesting the settlers, and that troops would for the present be kept in the neighborhood to secure their quiet and good order.

Major Otis demanded of Captain Jack that he keep his Indians apart from the settlers, except when they desired to work; that when in need of food they should go to Camp Warner for supply, but under no circumstances go armed among the settlers to demand food or to steal it.

Captain Jack at first denied these charges, and throughout the talk evaded as far as possible direct answers to specific charges against his band. He endeavored to convey the impression that if these thefts had been committed at all, they were the acts of the Klamaths (to which tribe the Modocs are hostile) or of other Indians, and that his own disposition and that of his tribe was friendly.

The evidence collected by Major Otis consists of the testimony of Messrs. Poe, Bull, G. S. Miller, Charles Monroe, George Monroe, George Munse, Drury Davis, Joseph Seeds, Hudson, Applegate, Forcythe, and Tripp.

These witnesses now reside in the vicinity of Linkville, Oreg. They assert that in 1870–'71 they were either settled or seeking suitable sites for ranches in the Lost River country, or in the neighborhood of Tule Lake. That, after leaving the Klamath reservation in 1870, the Modocs claimed the entire country in that locality, and demanded compensation for ranching or for hay cut from off it. That their constant visits, their

thefts of provisions and cattle, their demands for compensation, and their generally hostile attitude, excited such fear for the safety of their property, and in a few cases for life, as to drive them from the country.

This testimony is opposed to Henry Miller and Mr. Ball, who now reside respectively ten and six miles from Captain Jack's headquarters. Both of these witnesses accompanied Captain Jack to meet Major Otis, and to testify to the peaceable attitude of the band.

Mr. Miller has resided over two years in their country as a stock-raiser. He employs Indians of this band as herders. He has never paid for his right to settle in their country, and does not believe such demands are made of other settlers. He believes that Captain Jack wants a reservation set apart for his tribe of about 1,000 acres only. He testifies that the Indians are not more insolent to whites than whites are to whites. He was absent from his ranch from July, 1870, to February, 1871, because of rumors that Indians were destroying cattle, and that troops were out after them, rendering it imposible for him to get herders. He has heard that cattle were killed by the Indians, but from their pony-trails believes the Klamaths guilty. He has no family. His testimony is based upon the Indians' conduct toward him and his observation of them.

Mr. Ball has resided for ten years near this tribe, and, since last October, 1871, within six miles of them. He does not apprehend any danger to settlers from Captain Jack's band. He resides about six miles from Charles Monroe's ranch. Monroe has had trouble with the Modocs regarding some hay. Has heard Monroe's and the Indians' stories, and believes that Monroe by special agreement settled upon land claimed by Captain Jack, and was to compensate him for hay; but, failing in the full payment, the Indians fed a portion of the hay to their animals to make up the deficiency.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland Oreg., April 18, 1872.

SIR: I have the honor to submit for the consideration of the major-general commanding the division, a communication from Major Otis, First Cavalry, in relation to the Indians in Southern Oregon.

So much of the subject of this report as relates to the Modoc and Pi-Ute Indians, of Oregon, has for a long period been under consideration, and the suggestions and recommendations made therein are fully approved. The disposition to be made of the Modocs and Pi-Utes, as recommended, I regard as the only solution of that question without the application of force. Of so much of the report as relates to the Pi-Utes of Nevada and California, I have only to remark that the proposition to embrace them in the arrangement for their kindred in Oregon seems reasonable and proper, and that any plan of concentration that will diminish the cost of maintenance, supervision, and control, will be to the interest of the Indians, and to the advantage of the Government. Major Otis's knowledge of the Indians, and an experience of several years in that section of the country, entitles his opinions to weight, and they are respectfully commended to the favorable consideration of the commanding general.

In my opinion the Indians of the Payette and Weiser Valleys of Idaho should also be included in the same general arrangement. They belong to the same family, and will affiliate with the Pi-Utes. The country and its resource of food is similar to that which they now occupy, and it will suit them much better than the Fort Hall reservation. The lands on the Payette and Weiser have been surveyed and brought into market. They are being rapidly occupied by settlers, and the end of another season will probably find them without homes and without food. The same considerations apply to some other fragmentary bands which have no direct relations or intercourse with each other, but as they are more or less intimately connected with the Shoshone family, and speak the same language, there will be no difficulty in collecting and establishing them upon the same reservation.

The recommendations made by Major Otis, looking to changes in military posts in that part of the country, should be considered in subjection to the changes that may be made by the Department of the Interior in the location of the Indians. Anticipating, however, that the action indicated by the Executive order of March 14, 1871, would be taken at an early period, a good deal of information has been collected in relation to the country embraced in the proposed reservation. This information points to the country drained by the Malheur River as supplying the requisites for an Indian reservation more fully than any other part of the tract specified in the Executive order, and the forks of the Malheur as the best point for a military post for the supervision and control of the Indians that may be established on the reservation.

If the Indians are collected, as has been proposed and is recommended, Camp Warner and Fort Boise in this department will be unnecessary, and may be abandoned. The question with regard to Camp Harney should be determined after the comparative

advantage of the two points have been determined by careful reconnaissance and a careful examination of the cost of making the change and the expense of maintaining the post in the new location. In view of the anticipated change in the station of the First Cavalry, I wish to avail myself of the experience of the officers of that regiment to make this reconnaissance before they leave the department, and had proposed to employ Major Otis upon that duty as soon as the season is sufficiently advanced to permit it to be done thoroughly.

I am of the opinion now that if the proposed reservation should be established on the head-waters of the Malheur, (and our present information points to that locality as the best,) Camp Harney will be near enough, and no change in its location will be necessary or desirable.

The proposed concentration of these Indians will permit the concentration at one post of three companies of infantry and two of cavalry, without any addition to the force now in this department, and the abandonment of two posts (in this department) which will then be unnecessary. Any arrangement which admits of the concentration of troops diminishes the cost of maintaining them, increases their efficiency, and improves their discipline, and, with the present reduced strength of companies, these considerations are of more than usual importance.

I transmit herewith copies of some papers that may be of interest from their bearing upon this question, and also a sketch of the country in which the proposed reservation is located.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Military Division of the Pacific, San Francisco, Cal.

[Inclosure C.]

HEADQUARTERS DISTRICT OF THE LAKES,
Portland, Oreg., April 15, 1872.

SIR: I have the honor to make the following statements and recommendations with reference to the Indians included in the District of the Lakes and vicinity:

I have been stationed where I have had intercourse with a large portion of these Indians since October of 1867. The Pi-Ute band of Snake Indians are now scattered all the way from the head-waters of the Owyhee River to the west end of Klamath reservation, on an east and west line; and on a north and south line from the head-waters of John Day and Malheur Rivers on the north to the Truckee River on the south. I do not mean that they occupy the whole of this country, but that they range through it.

The principal bands are as follows:

First. We-ah-wa's band, principally roaming on the head-waters of the Malheur River and Stein's Mountain country. This is the largest of all the bands, probably numbering from five hundred to eight hundred souls. We-ah-wa I consider the head of the Pi-Ute Nation.

Second. O-che-ho's band, numbering a little over two hundred souls.

Third. Choc-tote's band, numbering a little over one hundred souls.

The last two bands are now on the Klamath reservation. O-che-ho's band is very much dissatisfied where it is. Last fall I had to order O-che-ho back to his reservation, or he would not have gone, and I do not believe that he will go another winter without serious trouble. In the fall of 1869 he went on the reservation willingly; but the promises held out to him by Mr. Meacham, superintendent of Indian affairs for Oregon at that time, in council, have not all been fulfilled. This has rendered them dissatisfied, and they would much prefer coming back to their old country in the vicinity of Warner Lake.

Choc-tote's band are, as far as I know, tolerably well satisfied where they are. They are near the country they formerly inhabited, have intermarried more or less with the Klamaths, speak the same language, and it might be well to allow this band to have their choice to stay where they are or go with the remainder of the Pi-Utes, in the recommendations and final disposition I am about to recommend, provided they could obtain their pro-rata of the appropriation of the Klamath reservation.

Fourth. There is a band of Pi-Utes at Camp McDermit, in Nevada, within three miles of the Oregon State line. This band numbers, probably, within the vicinity of two hundred souls, and formerly ranged on the head-waters of the Owyhee River and Quinn's River country, and a hundred miles each side of McDermit; of this band and We-ah-wa's band are small scattering bands through the country about Stein's Mountains, the country of the Owyhee, and in constant intercourse with the Pi-Utes on the Truckee reservation.

Fifth. On the Truckee reservation is a band of Pi-Utes numbering about three hundred souls. This band are certainly not satisfied where they are, judging from those that I see at Camp Warner. They are having constant intercourse with the Indians of O-che-ho's band, and many of them are scattered through Surprise Valley, creating more or less difficulty with these settlers.

It will be seen that at least one-half of these Indians are on no reservation, but are allowed to scatter through the country as they please. There are certain signs that would indicate that they are far from being satisfied with their present situation. It is well known that Indians when once dissatisfied do not get better, but worse. This condition of things may and is likely to lead to serious difficulty in time, and it is my opinion that unless something is done for them they are not likely to remain on their present friendly terms much longer. They may break out within a year, perhaps it may be two years. Besides, it is not the policy of the Government to leave them in this condition, but put them on a reservation and keep them there, instructing them to cultivate the soil, raise stock, and in time become self-supporting.

In view of these facts I would strongly recommend that all of these different bands enumerated above (except, perhaps, Choc-tote's band) be established on a reservation somewhere on the head-waters of the Malheur River, the Stein's Mountain country, or the country about either Warner or Harney Lakes, and that the reservation be tolerably large, as much of the country is a barren waste, and must necessarily be large to obtain sufficient land for tillable purposes.

The waters of the Malheur contain at times of the year plenty of fish, and there is much land capable of tillage in that vicinity. In the country about Stein's Mountain, and Harney and Warner Lakes, are spots capable of tillage. Besides, this is a country which these Indians have inhabited, that they know, and where the majority desire to stay. We-ah-wa's band, in council with the superintendent of Indian affairs for Oregon, in the fall of 1869, at which I was present, peremptorily declined to remove from that country, and I have no idea that they could be removed without a strong force of troops, involving a war. This country is also taken out of market until the 16th of September next, as I am informed by ex-Superintendent Meacham. To take advantage of this country before it relapses into market, it is necessary to act at once, in order, if possible, to have at least a portion of the Indians on the reservation by the coming fall, satisfy them and prevent serious difficulty.

The immediate point necessary to act at once is to have an appropriation made of about $2,000 to locate the reservation. This information I have from the superintendent of Indian affairs, Odeneal, at Salem. He gives it his hearty co-operation. It is in fact the only solution of the Indian affairs that will ever be accomplished in the country spoken of, without much trouble and bloodshed. This also has the merit of being able to concentrate five military posts into one, from the fact that the Indians will be removed from the vicinity of the posts, and consequently avoid their necessity, viz, Camp Warner and Harney, in Oregon, Camp Bidwell, in California, and Camps McDermit and Winfield Scott, in Nevada. It will probably also do away with the necessity of an Indian reservation on the Truckee River in the vicinity of Pyramid Lake; also by removing the two bands of Pi-Utes from the Yainax agency, on the Klamath reservation, or removing only O-che-ho's band, will give plenty of room for the Modoc Indians. They signed a treaty in October, 1864, to go on the Klamath reservation. They came on the reservation in the fall of 1869; a portion of them, under the old chief, still remain. But Captain Jack, (Indian name not known,) who signed the treaty in 1864, became dissatisfied soon after coming on the reservation, and in February of 1870 formed a band numbering now probably about sixty warriors, and left the reservation, going to Lost River and Tule Lake. Last fall Superintendent Meacham promised to allow them to remain where they are until he could see if a small reservation could not be set aside for them on the north end of Tule Lake. These Indians are still in this country and are insolent and insulting in many instances to the white settlers, and the latter generally deem this band of Modocs unsafe to both life and property. If a military force was present they could probably be removed peaceably to the Yainax agency on the Klamath reservation, and by removing the Pi-Utes now there, would leave them houses and a farm for their cultivation. I am of the opinion that if left where they now are it will probably lead to serious outbreak in time.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding District.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
April 19, 1872.

Official copy:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

[Inclosure D.]

PAY DEPARTMENT UNITED STATES ARMY,
Camp Warner, Oregon, February 12, 1872.

MAJOR: Having just returned I find yours of January 19, in regard to timber, &c., at the north fork of the Malheur River. This timber is of the finest quality, and extends in a belt, for the distance of sixty or sixty-five miles, toward Camp Harney. As for a post directly at the north fork where we cross, it is not a desirable point; that is, if you take into consideration land for hay and grazing; but there are points ten or fifteen miles from this timber, in valleys, where, in my opinion, is contained all any person could ask for a post. As for a reserve, that depends, of course, upon the size of the same; but to take in a distance, say, sixty miles square, the reserve would insure the finest country for that purpose, so far as my knowledge extends, in the department; plenty of fishing, hunting, and a good cammas country, as any person familiar with the forks of the Malheur is aware of its being the favorite resort of Indians, both winter and summer. This reserve would not be of any cost to the Government as far as having to pay for improvements made by settlers, as it would not take in anything in value to which that class have claims. I make the center point of this reserve, in this statement, on the main fork of the Malheur, embracing a long distance of the north, as well as the middle fork of the same river. This reserve would embrace the timber mentioned.

* * * * * * *

Very respectfully, your obedient servant,

E. V. EGGLESTON,
Paymaster U. S. A.

Maj. E. H. LUDINGTON,
Assistant Inspector-General U. S. A., Portland, Oreg.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
April 19, 1872.

Official copy:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. A. A. G.

HEADQUARTERS CAMP WARNER, OREGON,
June 8, 1871.

SIR: In reply to a letter from your office, dated April 2, 1871, with reference to the location of a military post in the central part of the proposed new Indian reservation, I have the honor to report that from my own knowledge, and from what information I can obtain from other officers, that I am of the opinion the reservation will include Stein's Mountains and the country thereabouts, extending north and including the headwaters of the Malheur with most of its branches. In view of this supposition I am of the opinion that neither Camp Harney or Warner will be within the reservation. Possibly Camp Harney may be included, but I do not think it will be central.

There are two places that I would recommend for examination, viz, Dunder and Blitzen Creek, running from the north end of Stein's Mountains, and the south and middle fork of the Malheur River. Both places possess good, large valleys for grazing, hay, and for post-gardens. But both are deficient in timber for building purposes in their immediate vicinity as far as known. The only timber about the former place known is juniper, which might be made available for fuel. The nearest timber for building purposes known is the north fork of the Malheur, some seventy-five miles distant. With this exception the post would be an excellent one, being in the heart of the Indian country. It is possible that building material may be found in its immediate vicinity after a more careful examination of the locality. I have never been there myself, and get this information from officers who have scouted through the country. The nearest mail facilities is some point on the route from Fort Boise, Ind. T., and Cañon City, probably eighty miles. Supplies can be transported from Winnemucca on the California Pacific Railroad, some two hundred miles good road. Should the Union Pacific Railroad Company make their proposed extension now noticed in the California papers, the road would pass probably not more than twenty or thirty miles from the post.

The middle fork of the Malheur has all the advantages of good locality for a post except timber for building purposes, which is some twenty miles distant, as far as my recollection now serves me. Possibly, timber may be found nearer. The nearest mail facilities is the route from Fort Boise to Cañon City, probably thirty miles distant. Supplies would probably come from Winnemucca in the vicinity of two hundred and fifty miles distant; roads could be made good. As to choice between the two posts of Camp Harney and Warner for controlling the Indians there is but little choice; both will be in striking distance of the Indians; probably Harney a little the nearest. But I consider Warner the most desirable post, and the new railroad if completed, will

pass probably within twenty-five miles of it. The buildings I consider better, and the accommodations of the post better, particularly with reference to water and timber. In other respects it is in every way the equal of Harney. With reference to interruptions of the roads from snow and other causes, there is little or no choice. either in Harney, Warner, or the two locations above named.

Troops can move as a general thing at all times of the year, except in winters when a large quantity of snow falls, which has only occurred once since the country has been occupied, viz, in the winter of 1867 and 1868.

Floods may occur in either of the above localities in May or June. As to the resources of the country above named I consider that it meets every requisite required. There is good tillable land, particularly in the valleys of the Malheur and Dunder and Blitzen Creek.

This country is the exact country where the Pi-Utes are desirous of remaining. At an Indian council held by Mr. Meacham, superintendent of Indian affairs for Oregon, the Indians declined to move from this country to the reservation on Sprague River, except Ochehoe's and Sarcoxie's bands, probably about one-third of all the Pi-Utes. Ochehoe's band, much the largest of the two, moved at the request of Mr. Meacham, but would rather have gone to the country above mentioned, and are now not at all satisfied with their locality, making complaints to me frequently.

I am, sir, very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

HEADQUARTERS DEPARTMENT COLUMBIA.
Portland, Oreg., June 21, 1871.

Official copy:

LOUIS V. CAZIARC,
First Lieutenant Second Artillery, A. D. C., and A. A. A. G.

[Inclosure E.]

HEADQUARTERS CAMP HARNEY, OREG.,
July 29, 1871.

SIR: In regard to the two chief points upon which information is required, viz: the resources of the country, designated for the reservation, for maintaining an Indian population, and the selection of a post of sufficient strength and suitably located for supervising and governing the Indians to be collected in the reservation, I have the honor to report that the country designated, lying between the forty-second and forty-fourth parallels of north latitude, and the one hundred and seventeenth and one hundred and twentieth longitude, is a part of a great plateau, of considerable elevation, broken by the southern extremity of the Blue Mountains, which extend to Harney Valley, and by several independent ranges; Stein Mountain range, in which the south fork of the Malheur rises, and extending nearly through the middle of the reservation to near the Nevada line; Warner Mountain, along the line of which are Christmas or Warner Lakes; Cedar Mountain, supplying a portion of the Owyhee. It is watered in the northeastern and southeastern portions by the Malheur and the Owyhee, containing almost the entire basin of the Malheur, and the greater part of the Owyhee. It contains, also, the head-waters of the south fork of the John Day's River, those of the Crooked River, one of the supplies of the Des Chutes and those of several creeks. Near the center are the large lakes Harney and Malheur, supplied by Sylvas and Silver Creek, and by several smaller streams which together constitute an interior basin of the plateau, surrounded on all sides by the water-sheds of the Malheur, Owyhee, Crooked River, and John Day. In the southern portion is the divide between the Nevada Basin and that of the Columbia River. This country, were its elevation less, would certainly support an agricultural population somewhat numerous. There are several portions, especially Harney Valley and the valleys opening into it, White Horse Valley in the southern part, and other localities adapted from the richness of their soil for agricultural pursuits. Wild rye and oats grow freely, and the latter in very high portions of the reservation, and there seems to be no reason why the cultivated varieties as well as other varieties of grain could not be grown; still, the fitness of any portion of the reservation for these growths is matter of theory rather than of experiment. The greater portion of the reservation is certainly not adapted to successful agriculture, but can support a large population which should devote itself to grazing. A large number of cattle are now herded in the southern part and the horses and cattle of the garrison find ample subsistence.

The Indians depend at present upon the salmon which ascend the tributaries of the Snake River lying within the reservation, upon hunting, and camas. These sources of subsistence are not sufficient for a large Indian population. Game is not very abun-

dant although not wanting, consisting mainly of antelopes, deer, several varieties of bear, and grouse. The streams contain trout, large and small. But, as a matter of course, these sources of supply must gradually diminish. The supply of salmon is considerable but sometimes nearly fails. Camas is quite abundant. There are also some fur-bearing animals, beaver, some otter, and a few mink, and the Indians can exchange their furs and skins for money and in trade.

If an Indian population, much exceeding that which now lives upon the reservation is to subsist upon it, and if they are to be civilized, they must practice grazing. Stock might subsist during the severe months of winter without feeding, but provisions of hay for the winter will be generally required.

As regards the location of a post suitable for supervising and controlling the Indians over the whole reservation, none could be selected more eligible than the present site of Harney. It is so located, at a point toward which all the mountains converge, as easily to command every part of the reservation without any formidable crossing of mountains, requisites of fuel, timber, water, and grass, and facilities of access and egress are admirably met. Wood can be supplied for fuel at the expense of about $5 per cord, and Harney Plain is a meadow of great extent. The water supply is adequate for all purposes from the creek and wells. No point could be selected which would contain so many advantages as the present post. A few miles farther south would be more central, but would not afford the advantages of wood and water, and would be less accessible; more isolated during the wet season, which extends late into the spring. Were there a locality exactly in the center, which would combine all the natural advantages of the present post, the distance of a few miles would be of small account, and would not counterbalance the great cost of new erections and the greatly increased cost of supplies. The new commissary building is on the line with the company quarters, symmetrical with them, and could be used as quarters, rendering the post fitted for four companies, with the addition of a new commissary building and a few other structures of little cost.

Roads in good condition extend from the post to several important points, affording facilities also for rapid communication with various parts of the reservation. There is road communication to Bear Valley, thirty-five miles; to Canyon City, seventy-five miles; to the Dalles, ten hundred and fifty-five miles; to Grande Ronde, one hundred add seventy-five miles; to Camp McDermit, one hundred and seventy-five miles; to Winnemucca, two hundred and forty miles; and to Warner, one hundred and forty miles. The post is equidistant from the Columbia River and the Central Pacific Railroad. The new railroad passing through southeastern Oregon to Salt Lake will, as at present designed, run through the reservation, and bring the post much nearer to railroad communication. A new wagon-road from the Willamette to Owyhee, now in process of survey, runs by the post. The whole country, especially the uplands, is obstructed by deep snows, generally during a few months in winter; and, in the spring, the lowlands are softened by the melting of the snow and the overflows, and movements must be made along the foot hills to avoid the soft ground. In short, the reservation is capable of maintaining a greater population than now lives upon it and, as regards the selection of a commanding post, no position could be selected combining so many advantages as Harney.

I am, respectfully, your obedient servant,

G. G. HUNT,
Major First Cavalry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oregon.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
August 9, 1871.

Official copy:

H. R. ANDERSON,
Second Lieutenant Fourth Artillery, A. D. C, and A. A. A. G.

[Indorsement on foregoing papers]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., April 26, 1872.

Respectfully forwarded to the Adjutant-General, and recommended to the favorable consideration of the Interior Department.

J. M. SCHOFIELD,
Major-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., June 13, 1873.

Official copies respectfully furnished for the information of the Commissioner of Indian Affairs.

E. D. TOWNSEND,
Adjutant-General.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
January 14, 1873.

SIR: I have the honor to be in receipt, by reference from the Department, of Senate resolution of the 8th instant, the same being in terms as follows:

Resolved, That the Secretary of the Interior be directed to furnish the Senate such information as may be in his Department touching existing difficulties with the Modoc and other Indian tribes in Northern California and Southern Oregon.

In compliance with your instructions to submit a report upon the subject-matter of this resolution, I have the honor to state that no serious difficulties are known to exist with any tribes in the sections named, other than with the Modocs. This tribe has been known to this Office since 1853 as generally unfriendly to the whites. It first entered into friendly relations with the Government by a treaty, to which the Klamath and Yahooskin band of Snakes were also parties, (16 Statutes at Large, p. 707,) made on the 18th of October, 1864, ratified by the Senate, with certain verbal amendments, July 2, 1866, and after the Indians had consented to these amendments in December, 1869, proclaimed by the President February 18, 1870. Under the provisions of article 1 of this treaty, and of the Executive order of March 14, 1871, issued thereunder, a tract of land, estimated to contain 768,000 acres, was set apart for the Indians, parties to the treaty, in the southern portion of Oregon.

In September, 1865, while this treaty was pending before the Senate, Mr. Lindsay Applegate, subagent in charge of Klamaths and Snakes, commenced operations for their benefit. The Modocs, presumedly acting under advice of certain interested whites, had previously withdrawn from the country to their former home, near Clear Lake, sixty miles southeast of Klamath. They, however, informed Mr. Applegate, by messenger, that they would conform to his wishes, and, in the event of the ratification of their treaty, would come on the reservation.

During the ensuing year, a part of this tribe, under their high chief, Schonchis, or Skin-tian, were induced to settle quietly at the agency; Captain Jack's band, however, preparing to stay at their old homes, where, without serious outbreak, they remained until 1869. In the latter part of that year, the amendments of the Senate to said treaty were presented for their acceptance, when Captain Jack made strenuous objections to the whole affair. He was, however, finally induced by the other chiefs to withdraw his opposition to the treaty, and in December of that year settled with his immediate followers upon the reservation.

Within three months trouble rose between the Modocs and the Klamaths, due in a great measure to the unfriendly disposition and conduct of the latter. The Modocs, under orders from Captain O. C. Knapp, U. S. A., who, in October, 1869, had relieved Mr. Applegate, subagent, &c., moved to another part of the reservation. Here disturbances were soon renewed, which resulted in the departure of the Modocs, who refused, as they said, to go into any traps for the benefit of their enemies, the Klamaths. Mr. A. B. Meacham, the then superintendent of Indian affairs for Oregon, attempted to settle the difficulties by establishing at Camp Yainax, in a distant part of the reservation, a subagency for the Snakes and others, leaving the Klamaths alone at the regular agency. But this measure, so far as it concerned the seceding and more turbulent portion of the tribe under Captain Jack's leadership, failed of its object. In his annual report for 1871, Superintendent Meacham recommended the establishment of the band on a reserva-

tion to be set apart for them near their old home, where they could be subjected to governmental control, and receive their share of the benefits of the treaty. The tract indicated by him was six miles square, lying partly in Oregon and partly in California. No action on this recommendation was ever taken by this Department.

To avert an outbreak, which the superintendent deemed imminent, two commissioners, acting under instructions, held consultations with these Indians in the summer of 1871, as the result of which it was understood that they should be permitted to remain at their present location, awaiting definite action by this Office in regard to their reservation, provided always that they refrained from theft and disturbance.

By reference from the honorable the Secretary of War, this office was on the 21st of March last placed in possession of copies of an extended correspondence which had been conducted between the military officers, the Oregon State authorities, and the superintendent of Indian affairs in that State, in which the danger of serious troubles was set forth and acknowledged by all these officials, and from which it was apparent that the military, while disposing the troops to insure the greatest protection to the citizens, yet felt restrained from active operation against the defiant Indians under the agreement made by Superintendent Meacham in regard to the reservation; although Superintendent Meacham's successor, Mr. T. B. Odeneal, held that Captain Jack had forfeited, by his maraudings, all claims to consideration under that agreement.

A letter of instructions relative to the whole subject at issue, and covering copies of these papers, was forwarded to Superintendent Odeneal on the 12th of April last. Upon the receipt of his reply of June 17, 1872, and its inclosures, he was ordered, under date of July 6, to effect the removal of these Indians, by force if necessary, to the Klamath reservation.

Copies of these three communications, and of Superintendent Odeneal's communication of the 23d ultimo, in which he reports at length in regard to these difficulties, are herewith forwarded for the information of the Senate. The papers referred to this office from the War Department, with other papers bearing upon this subject also on file in this Office, are voluminous, and as their substantial import has been shown above, it has not been thought advisable to delay this report for the purpose of making copies of them. Such copies will, however, be furnished if desired.

The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
July 6, 1872.

SIR: I have received your report, dated the 17th ultimo, inclosing copies of letters from J. D. Applegate, dated respectively the 8th and 16th of May last, in reply to a communication from this office, dated April 12, 1872, relative to the removal of the Modoc Indians to the

Klamath reservation, or the propriety of having a new reservation set apart for them. In your report you state "that it is the opinion of Maj. Elmer Otis, as well as that of Messrs. Applegate and Dyer, that Camp Yainax on Klamath reservation is the best place in that whole country for the Modoc Indians; that they will be as well contented and as easily kept there as at any other place that could be selected," and you agree with them in their opinion, and report against the propriety of locating them elsewhere.

You further state that the leaders of the Modoc Indians are "desperadoes, brave, daring, reckless," and defy the authority of the Government with impunity; and that it will be necessary to arrest these leaders, and convince them of their error, before any civilizing influences can be brought to bear upon the tribe.

Your recommendations, so far as the Modoc Indians are concerned, are approved, and you are directed to remove them to the Klamath reservation—peaceably, if you possibly can; but forcibly, if you must—at the time suggested in your report, in September next. You will exercise your discretion about making arrests of the leaders, avoiding any unnecessary violence or resort to extreme measures.

You also report that "it is the opinion of Major Otis, and other military officers and citizens, that a reservation should be selected on the head-waters of Malheur River, or in the Stein Mountain country, on which the Pi-Utes (or Snakes) should be located." You believe this practicable and advisable, and estimate that there are five hundred Pi-Utes on the head-waters of the Malheur River who have never been on any reservation, and two hundred more at Yainax, who desire to go back where their people are in the Malheur country.

In reply to this part of your report, you are directed to examine the country at the head-waters of the Malheur River, and report, by natural boundaries, a sufficient quantity of land for a suitable reservation for said Pi-Utes or Snake Indians. You will be careful not to embrace any more territory than is necessary, and not to interfere with white settlements, if there are any in that locality. Upon receipt of such report, the matter will receive proper consideration by this Office.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL,
Superintendent of Indian Affairs, Salem, Oreg.

SACRAMENTO, CAL., *January* 15, 1872.

SIR: Allow me to call the attention of your Excellency to the inclosed article from the Sacramento Union, a leading and influential paper of this State, on the subject of the Modoc war, and the provocations received by and the frauds and injuries inflicted upon them and other Indians by white men. This is not the isolated expression of a single newspaper; I have heard elsewhere the same charge of ill-treatment received by the Modoc Indians, and I regard it as due to those Indians, as well as to our own Government, to inform your Excellency of this sentiment among people on the Pacific coast and in the vicinity of that tribe, that such action may be taken as may be needful to prevent injustice being done them.

I have the honor to be, very respectfully, yours,

JOHN H. JAMES, JR.

THE PRESIDENT OF THE UNITED STATES.

JUSTICE AND FAIR PLAY.

Before the Modocs are finally exterminated in war, and at some proper juncture, the Government should order an investigation to ascertain whether these Indians have been fairly treated by the agents who have had them under their charge, and by others. There are tolerably well-founded reports that they have not received such treatment as was guaranteed by treaty, or such as they were entitled to, or led to expect from promises held out. If it should be found that injustice has been done in this case, it will not be the first time in the history of the country that the appropriations of Congress have not been devoted to the purpose for which they were asked and granted. It is on record that appropriations have been asked and voted for a tribe of Indians which have no real distinct existence, and the money went into the hands of speculating agents. Last year the amount appropriated for the benefit of what is called an apocryphal tribe, or the Teton Sioux, which have not had a tribal organization since the Minnesota war, or 1863, but have become merged and lost their identity in other tribes, was $900,000, and this year $200,000 is set apart in the Indian appropriation bill for their support. As an exchange says, it will be interesting to know who has pocketed the money, and who are the agents that have betrayed the confidence of the administration, which has been laboring so earnestly to re-organize the Indian Department, and to free it from the thieves and plunderers who have been so long engaged in fleecing the Government and cheating the Indians. An investigation into the particular case mentioned is demanded by parties in the East at the hands of Congress, and it is confidently expected that the subject will be soon taken up at Washington and the iniquity practiced inquired into. While this matter is undergoing ventilation, it will do no harm to see whether there is any ground for the complaints of bad treatment which are reported to be made by the Modocs, and which have enraged them against the white settlers, and got the country into further Indian troubles.

DEPARTMENT OF THE INTERIOR,
January 16, 1873.

SIR: For the information of the Senate, I have the honor to transmit herewith a copy of a report, dated the 14th instant, from the Acting Commissioner of Indian Affairs, and accompanying papers, in answer to a resolution of the Senate dated the 8th instant, in the following words, viz:

Resolved, That the Secretary of the Interior be directed to furnish the Senate such information as may be in his Department touching existing difficulties with the Modoc or other Indian tribes in Northern California and Southern Oregon.

It appears from the report of the Acting Commissioner that there are on file in the Indian Office other papers bearing upon this subject that are voluminous; and as their substantial import is exhibited in those presented, it is not deemed advisable to delay an answer to the resolution for the purpose of copying them. Such copies will, however, be furnished if desired.

Very respectfully, your obedient servant,

B. R. COWAN,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
January 27, 1873.

SIR: I have the honor to inclose herewith a copy of a communication of this date, addressed to this Department by E. L. Applegate, esq., commissioner of immigration for Oregon, and others, in relation to the

situation of affairs in the Klamath and Modoc country, in Southern Oregon, upon which subject I desire to confer with the President and yourself at the cabinet meeting to-morrow, the 28th instant.

I have the honor to be your obedient servant,

C. DELANO, *Secretary.*

Hon. WILLIAM W. BELKNAP,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 29, 1873.

SIR: Referring to the difficulties that have arisen and still continue to exist between the troops of the United States and the Modoc Indians, in Oregon, I have to inform you that I have determined to send a commission to the scene of the difficulty, for the purpose of examining into the same.

This commission will consist of three members, whose names will be hereafter furnished to you. It will be required to proceed to the Modoc country as rapidly as possible, and before entering upon the active discharge of its duties will confer with General Canby, of the United States Army, and in all subsequent proceedings of the commission it should confer freely with that officer and act under his advice, as far as it may be possible to do so, and always with his co-operation.

The objects to be attained by this commission are these: first, to ascertain the causes which have led to the difficulties and hostilities between the troops and the Modocs; and secondly, to devise the most effective and judicious measures for preventing the continuance of these hostilities, and for the restoration of peace.

It is the opinion of the Department, from the best information in its possession, that it is advisable to remove the Modoc Indians, with their consent, to some new reservation; and it is believed that the Coast reservation in Oregon, lying between Cape Lookout on the north and Cape Perpeties on the south, and bounded on the east by the Coast Range of mountains, and on the west by the Pacific Ocean, will be found to furnish the best location for these Indians. The commission will therefore be directed to make an amicable arrangement for locating the Indians on some portion of this reservation, provided it is possible for it to do so, and provided that said commission is not of opinion, after fully investigating the case, that some other place is better adapted to accomplishing the purpose of the Department; in either of which events the commission will, before finally concluding an arrangement with the Indians, hold communication with the Commissioner of Indians Affairs, and receive further advice.

The commission will in no wise attempt to direct the military authorities in reference to their movements. It will be at liberty, however, to inform the commanding officer of the wish of the Department that no more force or violence be used than, in his opinion, shall be deemed absolutely necessary and proper, it being the desire of the Department, in this, as well as in all other cases of like character, to conduct its communications with the Indians in such a manner as to secure peace and obtain their confidence, if possible, and their voluntary consent to a compliance with such regulations as may be deemed necessary for their present and future welfare.

The commission will be directed to keep the Department advised as

frequently as possible of its progress until the work which is assigned to it shall be accomplished, or its further progress proven to be unnecessary.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1873.

SIR: In pursuance of the understanding arrived at during the conversation between the President, yourself, and myself, a few days since, on the subject of Modoc war, so called, and with a view of stopping, if possible, the further effusion of blood, and again establishing peace between the Indians and the whites, I have decided to send to the scene of the difficulties a commission, consisting of three persons. With this purpose in view, I have addressed a letter to the Acting Commissioner of Indian Affairs, bearing date the 29th instant, a copy of which is here with inclosed, which is to guide him in the preparation of the instructions for the government of the commissioners to be appointed. So soon as these instructions are completed, and the commissioners agreed upon, you will be further advised relative to the matter.

In the mean time I have respectfully to suggest, and as far as proper to request, that the troops be so placed as to give security to the whites and prevent any depredations by the Modocs, should efforts in that direction be attempted; and further, that active hostilities against these Indians be suspended until the commissioners shall reach the Modoc country and ascertain whether there is a prospect of obtaining peace without resorting to any further use of the military arm of the Government.

I have the honor to be your obedient servant,

C. DELANO,
Secretary.

Hon. WM. W. BELKNAP,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 31, 1873.

SIR: Referring to my letter to you of the 29th instant, in relation to the affairs of the Modoc Indians, I have to inform you that A. B. Meacham, esq., Superintendent T. B. Odeneal, and Agent J. H. Wilber have been selected by the Department to constitute the commission which I desire to send to the Modoc country for the purpose of examining into and reporting upon the causes of the existing difficulties, with a view to a peaceable solution of the same.

For their services in the discharge of the duties devolving upon them, Mr. Meacham will be allowed compensation at the rate of $10 per day and his actual expenses; and Superintendent Odeneal and Agent Wilber will be allowed their actual expenses.

Agent J. H. Wilber will assume exclusive charge of the accounts and details connected with the expenses of the commission.

You are respectfully directed to notify the parties of their appointment and prepare the necessary instructions for their guidance, which shall be in conformity with my letter to you, already referred to, and which you will be pleased to submit to the Department for approval. A copy of these instructions, after being approved, will be furnished to each member of the commission for his information.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 1, 1873.

SIR: In accordance with the directions contained in Department letter of the 31st ultimo, I have the honor to submit herewith, for your approval, a draught of the instructions proposed to be issued by this Office for the guidance of the commission appointed to visit the Modoc Indians in Oregon.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 1, 1873.

SIR: In accordance with Department letter of the 31st ultimo, you are advised that you have been selected by the Hon. Secretary of the Interior to act, in conjunction with A. B. Meacham, esq., and Agent J. H. Wilber of the Yakama agency, Washington Territory, as a commissioner for the purpose of examining into and reporting upon the causes of the existing difficulties with the Modoc Indians in Oregon, with a view to the peaceable solution of the same. You will hold yourself in readiness to enter upon the discharge of these duties without delay, full instructions in regard to which will be forwarded as soon as possible.

You will be allowed your actual expenses while engaged in the performance of your duties while under this appointment. Agent Wilber will assume exclusive charge of the accounts and details connected with the expenses of the commission.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

T. B. ODENEAL, Esq.,
Superintendent Indian Affairs, Salem, Oreg.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 1, 1873.

SIR: In accordance with Department letter of the 31st ultimo, you are advised that you have been selected by the Hon. Secretary of the Interior to act, in conjunction with A. B. Meacham, esq., and Superin-

tendent T. B. Odeneal, of the Oregon superintendency, as a commissioner for the purpose of examining into and reporting upon the causes of the existing difficulties with the Modoc Indians in Oregon, with a view to the peaceable solution of the same. You will hold yourself in readiness to enter upon the discharge of such duty without delay, full instructions in regard to which will be forwarded as soon as possible.

You will assume exclusive control of the accounts and details connected with the expenses of the commission, and forward the same to this Office for examination and settlement.

You will be allowed your actual expenses while engaged in the performance of your duties under this appointment.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

J. H. WILBER, Esq.,
United States Indian Agent,
(Care R. H. Milroy, Superintendent Indian Affairs, Olympia, Wash.)

GRANT COUNTY, OREGON,
February 3, 1873.

DEAR SIR: I beg leave to trespass on your time for a very short time. I will come to the point at once. You doubtless know of the war now going on with the Modocs. What I have to say is this, there is little doubt if this war lasts two months longer that all the Snakes will join in the conflict. There are now at Camp Harney only troops enough to guard the Government property, say forty effective men; there are estimated to be three hundred Indian braves immediately around Camp Harney. These Snakes are wild Indians; have positively refused their agent to go on any reservation; they are very vicious and warlike. You recollect, doubtless, that no officer ever gained any advantages over them for years of war until General Crook took command. There are nominally two companies of men stationed at Camp Harney. These companies have dwindled down to thirty-five or forty men to the company. Thirty-five of these men are now with the troops around Captain Jack's camp. Now you can see what will happen in case the Snakes break out. The few troops we have will be powerless to protect the defenseless settlers in all the Snake country. The Indians will destroy vast herds of stock in every direction; they will not lack for provisions, for they will subsist on the vast herds of stock in their own country. I hope you will be so kind as to lay this matter before the proper authorities and the President. It may save the lives of many women and children if this matter is attended to at once. It would be well to force these Indians on to reservations, and made to stay there; and then when they left the reservation people would know that there was something wrong, and be on their guard. But no, they roam at will where they like, and people have no apprehension of danger until it is too late.

Very respectfully, yours,

WM. LUCE.

Hon. GEO. H. WILLIAMS.

MARCH 1, 1873.

Respectfully referred to the Acting Commissioner of Indian Affairs.

A. G. H. WHITE,
Acting Chief Clerk.

FORTY-SECOND CONGRESS, THIRD SESSION, CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
February 3, 1873.

On motion of Mr. Shanks:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to inform the House at his earliest convenience of the cause of the present difficulties with the Modoc Indians.

Attest:

EDW. McPHERSON,
Clerk.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, *January* 30, 1873.

Hon. FELIX R. BRUNOT, *Pittsburgh*, *Pa.:*

Commission of three to the Modocs is agreed upon. Important that one of your board shall be one of the three. Do not fail to detail one. Immediate action important. Answer.

C. DELANO,
Secretary.

WM. WELSH.

DEPARTMENT OF THE INTERIOR,
Washington, *D. C.*, *February* 5, 1873.

SIR: The draught of the instructions proposed to be issued for the guidance of the commission appointed to visit the Modoc Indians in Oregon, which was inclosed to the Department with your letter of the 1st instant, is hereby approved and returned.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The ACTING COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, *D. C.*, *February* 5, 1873.

SIR: Referring to my communication to you of the 31st ultimo, designating A. B. Meachem, esq., T. B. Odeneal, superintendent of Indian affairs, and Agent J. H. Wilber as a commission to treat with the Modoc Indians in reference to existing difficulties between them and the military authorities, I have to inform you that the appointment of said commissioners is hereby modified as follows: for J. H. Wilber and T. B. Odeneal substitute Samuel Case, subagent at Alsea, and Jesse Applegate, of Yoncalla, Oreg.

The compensation of Mr. Applegate will be $10 per day and actual expenses, and Agent Case will be paid his actual expenses.

You will be pleased to notify the parties designated of their appointment without delay.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The ACTING COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 5, 1873.

SIR: Referring to office letter of the 1st instant, you are advised that the Hon. Secretary of the Interior has appointed Samuel Case, esq., United States Indian agent for the Alsea subagency in Oregon, and Jesse Applegate, of Yoncalla, in said State, members of the commission to treat with the Modocs, in place of yourself and Superintendent T. B. Odeneal.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

J. H. WILBER, ESQ.,
United States Indian Agent,
(Care R. H. Milroy, Superintendent Indian Affairs, Olympia, Wash.)

[Telegram.]

PORTLAND, OREG., *February 5, 1873.*

The Secretary of the Interior, Washington, D. C.:

Your telegram of to-day has been received.

ED. R. S. CANBY,
Brigadier-General.

Official copy respectfully furnished by mail.

H. CLAY WOOD,
Assistant Adjutant-General.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 5, 1873.

SIR: Referring to office letter of the 1st instant, you are advised that the Hon. Secretary of the Interior has appointed Samuel Case, esq., United States Indian agent for the Alsea subagency, and Jesse Applegate, esq., of Yoncalla, Oreg., members of the commission to treat with the Modocs, in place of yourself and Agent J. H. Wilbur.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

T. B. ODENEAL, Esq.,
Superintendent of Indian Affairs, Salem, Oreg.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 5, 1873.

SIR: In accordance with Department letters of the 31st ultimo and 3d instant, I have to advise you of your selection, by the Hon. Secretary of the Interior, to act, in conjunction with Jesse Applegate, esq., of Yoncalla, Oreg., and Samuel Case, esq., United States Indian agent

for the Alsea subagency in that State, as a commissioner for the purpose of examining into and reporting upon the causes of the existing difficulties with the Modoc Indians, with a view to the peaceable solution of the same.

Full instructions for your guidance in the discharge of your duties under this appointment are inclosed herewith.

You will be allowed compensation at the rate of $3 per day and your actual expenses while engaged in the performance of your duties devolving upon you by virtue of this appointment, of the acceptance of which you are requested to notify this office.

Very respectfully, your obedint servant,

H. R. CLUM,
Acting Commissioner.

A. B. MEACHAM, Esq.,
Chairman of Commission, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 5, 1873.

SIR: In accordance with Department letters of the 31st ultimo and 5th instant, I have to advise you of your selection, by the Hon. Secretary of the Interior, to act, in conjunction with A. B. Meacham, esq., and Jesse Applegate, esq., of Yoncalla, Oreg., as a commissioner for the purpose of examining into and reporting upon the cause of the existing difficulties with the Modoc Indians, with a view to the peaceful solution of the same.

Full instructions for your guidance in the discharge of your duties under this appointment are inclosed herewith.

You will be allowed your actual expenses while engaged in the performance of your duties under this appointment.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

SAMUEL CASE, Esq.,
United States Indian Agent, Newport, Oreg.

(Per A. B. Meacham, Esq.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 5, 1873.

SIR: In accordance with Department letters of the 31st ultimo and 5th instant, I have to advise you of your selection by the honorable Secretary of the Interior to act in conjunction with A. B. Meacham, esq., and Samuel Case, esq., United States Indian Agent for the Alsea subagency, in Oregon, as a commissioner for the purpose of examining into and reporting upon the causes of the existing difficulties with the Modoc Indians, with a view to the peaceable solution of the same.

Full instructions for your guidance in the discharge of your duties under this appointment are inclosed herewith.

You will be allowed compensation at the rate of $10 per day, and

your actual expenses, while engaged in the performance of the duties devolving upon you by virtue of this appointment, of the acceptance of which you are requested to notify this Office.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

JESSE APPLEGATE, Esq.,
Yoncalla, Oregon.
(Per A. B. Meacham, Esq.)

[Telegram by the Western Union Telegraph Company, dated Portland, Oreg., February 5, 1873. Received February 6.]

To the Secretary of the Interior, Washington, D. C.:

Your telegram of to-day has been received.

ED. R. S. CANBY,
Brigadier-General.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1873.

Gen. E. R. S. CANBY, *Portland, Oreg.:*

Messrs. Meacham, Applegate, and Agent Case have been appointed commissioners to visit the Modoc Indians. Provide for them a suitable reservation, and prevent further hostilities if possible. They are directed to meet and confer with you at Linkville, Oreg., on the fifteenth instant.

C. DELANO,
Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1873.

T. B. ODENEAL, *Salem, Oreg.:*

Direct Agent Case and request Jesse Applegate to meet General Canby and Mr. Meacham at Linkville, Oreg., on the 15th instant, to treat with the Modocs for settlement of difficulties, for which purpose these men are commissioners.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a telegram this day sent to Gen. E. R. S. Canby, Portland, Oreg., notifying him of the appointment of commissioners to visit the Modoc Indians; said commissioners to meet and confer with him, at Linkville, Oreg., on the 15th instant.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of the instructions issued by this Department to the commission appointed to visit the Modoc Indians for the purpose of providing a suitable reservation for, and preventing further hostilities with, said Indians.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

WASHINGTON, D. C.,
February 6, 1873.

I have the honor of acknowledging receipt of letter of 5th instant, appointing me a commissioner to Modoc Indians, and hereby signify my acceptance of said appointment.

Very respectfully, your obedient servant,

A. B. MEACHAM.

Hon. H. R. CLUM, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 6, 1873.

SIR: A. B. Meacham, esq., having been appointed by the Secretary of the Interior a special commissioner to treat with the Modoc Indians in Oregon, you will please advance to him the sum of $1,000, to enable him to defray his expenses, charging the appropriation "Incidental expenses Indian service in Oregon." Mr. Meacham's receipt for said sum will be considered a sufficient voucher in the settlement of your accounts, and he will be held accountable for the proper disposition of said funds.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

R. JOSEPH, Esq.,
Disbursing-Clerk, Department Interior.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1873.

SIR: For the information of the House of Representatives, I have the honor to transmit herewith a copy of a report, dated the 7th instant, from the Commissioner of Indian Affairs, together with Sen. Ex. Doc. 29, Forty-second Congress, third session, in answer to a resolution of the House, dated the 3d instant, in the following words, viz:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to inform the House, at his earliest convenience, of the cause of the present difficulties with the Modoc Indians.

I will remark that, as stated in the communication to the Senate of the 16th ultimo, in reply to a similar resolution of that body, that there are on file in the Indian Office other papers, bearing upon this subject, that are voluminous, and it has not been deemed advisable to delay an answer to the resolution for the purpose of copying them, as their substantial import is exhibited in those now forwarded.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAS. G. BLAINE,
Speaker of the House of Representatives.

YREKA, CAL., *February* 16, 1873.

SIR: I have the honor of reporting my arrival at this place. Telegraphed you this p. m. Will proceed to headquarters to-morrow. From telegram you will learn something of the coming difficulties. Things look very much mixed. Everything said since my arrival has been discouraging. Evil prophecy. I am sanguine of success, unless State authorities interfere. Inclosed find protest of Governor Grover. Will keep you informed of progress and events.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Commissioner.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

YREKA, CAL., *February* 16, 1873.

COMMISSIONER OF INDIAN AFFAIRS, *Washington:*

General Canby, Applegate, and Case at headquarters near Modocs. I will be there to-morrow. Governor Grover files with commissioners protest against any terms but surrender of Indians to authorities. Grand jury of Jackson County, Oregon, have found bills of indictment against Modocs. A conflict of authority seems inevitable. People indignant at any other place than Governor Grover demands.

A. B. MEACHAM,
Commissioner.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 18, 1873.

Gen. E. R. S. CANBY, *Portland, Oreg.:*

Please see the telegram sent by the Secretary of the Interior this day to A. B. Meacham, at Yreka. Acknowledge receipt.

By command of General Sherman:

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Reply.]

FAIRCHILD'S RANCH, CAL.,
February 20, 1873.

Col. W. D. WHIPPLE, *Washington, D. C.:*

I have received your telegram of the 18th, and have seen the telegram to Mr. Meacham from the Secretary of the Interior. The commission was organized on the 18th, and proceeded at once to business under the instructions of the Commissioner.

ED. R. S. CANBY,
Brigadier-General, Commanding.

By courier to Yreka, Cal., 22d.

HEADQUARTERS OF THE ARMY,
Washington, February 24, 1873.

Official copies respectfully furnished for the information of the Secretary of War.

W. T. SHERMAN,
General.

WAR DEPARTMENT, *February* 25, 1873.

Respectfully referred to the honorable Secretary of the Interior for his information.

WM. W. BELKNAP,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
February 28, 1873.

Respectfully referred to the Acting Commissioner of Indian Affairs.

A. S. H. WHITE,
Acting Chief Clerk.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., February 18, 1873.

To A. B. MEACHAM, *Yreka, Cal.:*

Have shown your telegram of the 16th to the President. You are directed to proceed with the commission under your instructions without regard to Governor Grover's protest.

If the authority of the United States is defied and resisted by State authorities, the United States will not be responsible for results, even if the State should be left to take care of Indians without assistance from the United States.

C. DELANO,
Secretary of the Interior.

Charge Interior Department—C. DELANO, *Secretary.*

Respectfully referred for the information of the Commissioner of Indian Affairs.

A. S. H. WHITE,
Acting Chief Clerk, Department of Interior.

FEBRUARY 18, 1873.

[Telegram.]

EXECUTIVE MANSION,
Washington, February 18, 1873.

A. B. MEACHAM, *Yreka, Cal.:*

Have shown your telegram of the 16th to the President. You are directed to proceed with the commission under your instructions without regard to Governor Grover's protest.

If the authority of the United States is defied and resisted by State authorities, the United States will not be responsible for results, even if the State should be left to take care of Indians without assistance from the United States.

C. DELANO,
Secretary of the Interior.

FAIRCHILD'S RANCH, CAL.,
February 19, 1873.

SIR: I have the honor to acknowledge the receipt of my commission to act as peace commissioner for the settlement of the Modoc war.

I hereby accept said commission and proceed, in connection with A. B. Meacham and Jesse Applegate, to settle peaceably, if possible, the difficulties now existing between the people of Oregon and California and the Modoc Indians.

Your most obedient servant,

SAMUEL CASE.

Hon. H. R. CLUM, *Acting Commissioner, Washington, D. C.*

[Telegram.]

DEPARTMENT OF THE INTERIOR,
February 19, 1873.

A. B. MEACHAM, *Yreka, Cal.:*

Judge A. M. Rosborough, of Yreka, is added to your commission. Notify him.

C. DELANO,
Secretary.

FAIRCHILD'S, CAL., *February* 19, 1873.

DEAR SIR: Owing to your non-arrival at Linkville on the 15th instant, Mr. Case and myself, having neither commissions nor instructions, were left to our own resources.

Among other things to be met was the celebrated "protest" of Governor Grover, which, as it had already been in print, I thought it best to reply to in "an open letter," a copy of which I herewith inclose.

Having years ago become intimately acquainted with Governor Grover, when I saw his private secretary at Linkville I felt at once that some cunning advantage was being sought by the inveterate enemies of the Federal Government. Like a President's message of the olden time, this "protest" of Governor Grover appeared in the newspapers of Oregon before the date of its proposed delivery to the peace commission. As

the Modoc imbroglio is now in the hands of the military, which must enforce an unconditional surrender of the rebellious Indians, Governor Grover naturally concluded there would be no occasion for a peace commission, unless the Government was disposed to grant the Modocs more liberal terms. By embodying public opinion in the form of the protest the governor hopes to gain a political advantage to himself and party, should the commission exact terms less rigorous than strict justice and public sentiment require; and he was in such hot haste to present his protest in order to forestall the action of the commission, in order to *appear* to have influenced it, or at least to claim for himself to have suggested or influenced its popular measures, and leave those unpopular to be borne by the administration.

You will perceive I have been mild and courteous toward the governor. You know, as well as I, Mr. Grover is not entitled to such treatment at your hands or mine.

Truly your friend,

JESSE APPLEGATE.

A. B. MEACHAM, *Chairman Peace Commission.*

An open letter to Governor Grover.

LINKVILLE, *February* 16, 1873.

To his excellency, &c.:

Your communication of the 10th instant, addressed "To the commissioners to conclude peace with the Modoc Indians," was handed to Mr. Case and myself yesterday, and as we are not a board of commissioners at this time, we can only receive and hold your paper until such a board as you address is convened, and then lay it before it, which we propose to do.

It is therefore as an individual, not as a member of a board, that I address you, and for what I here say I am myself solely responsible.

Without reference to the contents of your letter, to which I will hereafter refer, I think you have shown undue haste in sending it, if indeed you should at all address officially a board so constituted as the one of which you suppose us to be members.

The Modoc war is and has been exclusively under the direction of the United States. Though beginning in Oregon it is now removed to the State of California, and the citizens of both States must suffer equally by its continuance and derive equal benefit from its speedy and successful close.

It is rumored that the commission would (and as yet we have nothing more definite) be constituted of citizens of both States, but whether this be true or not, it is to be hoped, whoever it may be that constitutes it, that in carrying out the duties imposed upon it that the interests of the people most concerned will be cared for, no matter on which side the State line they may reside. The power which created this commission is the one to which the citizens of both California and Oregon look for protection and redress. It is now at a heavy expense in extending to them protection, and if ever the losses or sufferings of any one injured by this unfortunate war is redressed, that redress must come from the Federal Government. Such being the case, and the powers of the commission being derived from the Federal Government, from it alone must the commission receive its instructions, either State having no right whatever to interfere in the matter.

As the instructions to the commission are as yet unknown, even to its supposed members, it is unfair and unjust to the Federal Government to suppose, as you seem to do, that those instructions will not secure the best interests of the people concerned, and your letter does equal injustice to the personnel of the commission, those now reported as forming it being all of them citizens of Oregon, two of them experienced in Indian affairs, who have gained honor to themselves for faithful public service—have given you no reason to infer that they contemplate, under any circumstances, to do wrong or injury to their own native State.

While your letter contains some suggestions valuable for their wisdom, which will no doubt receive due attention and respect from the commission, I cannot think they will derive any additional weight from your official position. For though the theater of war is in the States of Oregon and California, the commission will be the creature of the Federal Government and derive all its legitimate powers therefrom. It cannot

therefore obey instructions from the executive of either State that in any way militates against or is inconsistent with those of the Federal Government.

Though many of the facts stated in your letter will be doubtless known to the commission from other sources, and receive due consideration, they lose none of their importance from repetition, and should his excellency Newton Booth, governor of California, see proper to enlighten us with his views upon the Modoc difficulty, I hope that what he says will be courteously received and have just such weight with the commission as its wisdom may merit.

Very respectfully, &c.,

JESSE APPLEGATE.

HEADQUARTERS PEACE COMMISSION,
Fairchild's, twenty-five miles from Modoc Camp.

SIR: I have the honor to report my arrival here on yesterday, 18th instant. Found awaiting me, Hon. Jesse Applegate and Samuel Case, of peace commission, also Gen. E. R. S. Canby, of military department.

Messrs. Applegate and Case having accepted their appointment, the commission held an informal meeting at Linkville, on the 15th instant, and organized with O. C. Applegate, of Yainax Station, Klamath agency, as secretary.

The commission have made arrangements for opening a talk with the Modocs, by sending forward an Indian woman to notify the Modoc chiefs of the readiness of commission to send a messenger to them to arrange for a council.

There are two things that loom up now as prominent obstacles to an early-accomplished peace. First, it is the unanimous opinion of military commanders, also of citizens, that nothing short of unconditional surrender of the band who murdered the citizens of Lost River, after the first fight. This band numbers eight desperadoes. Now, it is believed, for good reasons, that Captain Jack, the head chief of the Modocs, took no part in that massacre, in fact deplored the butchery, and, if he dared to, would surrender the murderers, but that this band of eight control the Modocs, or at least that Captain Jack would lose his life if he should entertain the proposition to surrender them. This is the worst feature now before us in this incipient hour of our labors.

The second great embarrassment is what springs from the same cause, and made into a formidable obstacle by the universal indorsements of the people and of the governor of Oregon, L. F. Grover, in his protest of which you were notified by telegraph, also by mail from Yreka.

While it is true that we are acting under Federal authority and responsible to your Office for our action, it is nevertheless true that the voice of "the people" has, and will continue to have, weight. This is now manifest in the opinions expressed by Commissioners Applegate and Case, who realize fully the great honor of their appointment and also the responsibilities attaching thereto, but will, without doubt, stand up fairly and squarely between Indians and whites. I think the selection of these commissioners as good as could have been made, and I doubt not we will act in harmony.

It is also gratifying to feel that General Canby is disposed to give the benefit of his counsel freely and in the kindest manner, extending the accommodations of his department to forward the great object for which we labor—a peaceful and honorable adjustment of the troubles now hanging over this country. We are confident of the harmonious co-operation of the Army.

No communication has been had with the Modoc camp for eight days,

and it is not known whether they have intimation of the existence of the commission.

The military department has established a line of couriers to Yreka, and tendered its services to our commission.

Allow me to suggest that Superintendent Odeneal be notified that Samuel Case is only on detached duty; O. C. Applegate, secretary of the commission, is also on detached duty, he being commissary for Yainax.

Very respectfully, your obedient servant.

A. B. MEACHAM,
Chairman Modoc Peace Commission.

Hon. H. R. CLUM,
Acting Commissioner.

MILITARY HEADQUARTERS,
Near Prhett Lake, February 19, 1873.

SIR: Your letter of the 5th instant, notifying me of my appointment as one of a commission to treat with the hostile Modoc Indians, has been received.

I accept the service. But as a successful discharge of the duty may require some time, and I am to receive a per diem compensation for my services, I prefer to render them without pay.

Very respectfully, your obedient servant,

JESSE APPLEGATE.

Hon. H. R. CLUM,
Acting Commissioner of Indian Affairs.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
February 19, 1873.

Gen. ED. R. S. CANBY,
Dorris Ranche, Cal., via Yreka:

Have just sent to Meacham at Yreka the following telegram: Judge A. M. Rosborough, of Yreka, is added to your commission.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1873.

SIR: I have the honor to acknowledge the receipt by your reference of to-day of a copy of a telegram, from General Canby, suggesting the appointment of Judge A. M. Rosborough as one of the commission to visit the Modocs, and to inclose for your information copies of the telegrams which I have this day addressed to Hon. A. B. Meacham and General Canby, informing them of the addition of Judge Rosborough to the commission.

I have the honor to be your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

FAIRCHILD'S RANCH, CAL.,
February 21, 1873.

Hon. H. R. CLUM,
Commissioner Indian Affairs, Washington, D. C.:

Commissioner furnished with instructions to Odeneal of April 12, 1872; not with those of July 6. Why this omission first messengered to Modocs returned? Anxiety for peace manifested. Will arrange to morrow for meeting. Results still uncertain. Rosborough appointment good.

A. B. MEACHAM,
Chairman Modoc Peace Commission.

By courier to Yreka, Cal.

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, February 21, 1872.

SIR: We respectfully report that our first messenger to Modocs sent out yesterday returned this evening and brings this intelligence: That the Modocs were expecting somebody to come and talk with them; that they were tired of living in the rocks; tired of war; desired peace; were glad to hear good words from Washington. Did not want to talk with any one who had been in the war. Had no faith in small officers. Would be willing to meet Case and Meacham outside the rocks; that we should not be harmed; that they were not afraid, and did not want white men who had come a long distance to be afraid. They remembered Ben. Wright's treachery, but would come out and talk. No indications of anything like terms of peace was made. We feel encouraged now that negotiations are opened and Indians willing for peace.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Chairman Modoc Peace Commission.

Hon. H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.

FAIRCHILD'S RANCH, CAL.,
February 22, 1873.

Hon. Col. H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.:

Your telegram of 18th received. Commissioners will obey instructions; send messengers to Modocs this morning; is unratified treaty between ex-Superintendent Steele of Northern California and Modocs, June 1864, on file?

A. B. MEACHAM,
Chairman Peace Commissions.

By courier to Yreka, Cal.

Universal peace union.

PHILADELPHIA, *second month* 22, 1873.

RESPECTED FRIEND: I take sincere pleasure in transmitting to you, and through you to the President, the high gratification of the Peace Society for your masterly movement in reference to the Modoc Indians. The timely and doubtless judicious appointment of the com-

missioners, and the clear and pacific instructions issued to them, meet the wishes of the true friends of the Indian; and if the spirit which actuated our Government in the appointment and inspired those strong words of fair and equal justice will be patiently and faithfully carried into the proposed council, we have no apprehension but the desired object will be accomplished. We have very little to suggest, after reading the instructions of the 5th instant to A. B. Meacham, chairman of the special committee, and which I presented last evening to a public meeting of our citizens and asked for a vote as to the proposed course, and received a unanimous affirmative; but we are somewhat startled by the published dispatch in the morning papers that "the commissioners will insist upon surrender and removal to a distant coast reservation;" and then the warlike preparations scarcely look like the meaning of the instructions, especially the concluding paragraphs, for there seems to have been undue haste. Please understand we do not wish to dictate, we only trust the dispatch is not true, and as Henry E. Alvord, in whom we feel great confidence, has stated that both you and our President would appreciate our hearty interest in this great work of your administration, and would properly understand the commendation that our hearts are filled with, I have been free to present them, and am,

Very respectfully, your assured friend,

ALFRED H. LOVE.

COLUMBUS DELANO,
Secretary of Interior, Washington, D. C.

HEADQUARTERS PEACE COMMISSION,
Fairchild's, Cal., February 23, 1873.

SIR: We have to report that our second messenger to the Modocs has returned, and everything is progressing finely for a "talk." Nothing of terms has been intimated.

Our last messenger reports the Modocs as being well supplied with breech-loading arms, and an abundance of ammunition; he also reports the number of Modoc warriors to be less than sixty, and they deny having lost any men in the late battle of the lava-beds; anxious for a full, long talk, and willing to receive the commission; also desire Judge Rosborough and Judge Steel present. We have dispatched a messenger for them. We will send another messenger to-morrow, and will probably arrange for the council-talk for Thursday next. We are hopeful for good results, but of course this is uncertain.

The appointment of Judge A. M. Rosborough gives general satisfaction.

Very respectfully,

A. B. MEACHAM.
Chairman Commission.

H. R. CLUM,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, February 24, 1873.

DEAR SIR: I inclose herewith a letter which I have to-day received from Albert H. Love, Philadelphia, inclosing a newspaper dispatch in reference to the commission recently sent to the Modoc country.

This letter was evidently intended for the perusal of the President, as well as my own, and I therefore send it to you for that purpose. Please return it after it has been presented to the President.

Very truly yours,

C. DELANO.

Gen. O. E. BABCOCK,
Executive Mansion.

HEADQUARTERS, FAIRCHILD'S, CAL.,
February 25, 1873.

Hon. COMMISSIONER OF INDIAN AFFAIRS:

We have the honor to report that we are progressing hopefully, and will be able to report definitely very soon.

By misunderstanding mail short; not giving time to make further report.

Very respectfully,

A. B. MEACHAM,
Chairman Commission.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 25, 1873.

A. B. MEACHAM, Esq.,
Chairman Modoc Commission, Fairchild's Ranch, Cal.:

Copy unratified treaty of March, 1864, by mail.

H. R. CLUM,
Acting Commissioner.

Charge Indian Affairs.—H. R. CLUM, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 25, 1873.

A. B. MEACHAM, Esq.,
Special Commissioner, Fairchild's Ranch, Cal., via Yreka:

Instructions to Odeneal, of July 6, not deemed necessary for commission. Follow instructions to commission appointed by Secretary, and effect a peaceable settlement of difficulty if possible. Have shown your telegram to the Secretary.

H. R. CLUM,
Acting Commissioner.

Charge Indian Office.—H. R. CLUM, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 25, 1873.

SIR: Referring to my telegram of this date, in answer to your dispatch of the 22d instant, I transmit to you herewith a copy of the unratified treaty of peace with the Modoc and other Indians, inclosed to this Office by late Superintendent Steele, with his letter of March 2, 1864, a copy of which is also transmitted herewith.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

A. B. MEACHAM, Esq.,
Chairman Modoc Commission, Fairchild's Ranch, Cal.

[Telegram by the Western Union Telegraph Company. Dated Fairchild Ranch, February 26, 1873.]

To Hon. C. DELANO, *Secretary of Interior, Washington:*

Modocs positively reject every proposition as to terms and place of meeting of council. Offers such as we cannot accept; their objection to *personnel* if condition could be obviated.

A. B. MEACHAM,
Chairman Commission.

FAIRCHILD'S RANCH, CALIFORNIA,
February 26, 1873.

SIR: While feeling duly sensible of the honor done me by being made a member of the commission to bring to a close the war with the Modoc Indians, and to which end my services are cheerfully given, I think I am not a fit person to investigate the *causes* leading to the war, if that investigation is to extend to the remote causes of the outbreak, and to the *official* acts of those in the service of the Indian Department.

Though I have not myself held office in, or had any interest in, a contract with the Indian Department at any time, and would endeavor to do strict justice to all parties concerned, yet, as two of my nephews have been employed in subordinate places on the Klamath reservation for the last five years, and the press has charged them with having a personal interest in securing the return of the rebel Modocs to the reservation, (which was the immediate cause of the outbreak,) as their near relative, I am not a proper person to sit in judgment upon their conduct, or be a member of a tribunal charged to make investigations that might impugn it.

I therefore request to be excused from serving as a member of the commission longer than the conclusion of the negotiation for peace with the Modocs.

Your reply by telegraph is earnestly solicited.

Very respectfully,

JESSE APPLEGATE.

Hon. H. R. CLUM,
Acting Commissioner Indian Affairs.

[Indorsement.]

Please write to Mr. Applegate, saying his resignation accepted to date February 26, 1873, and that Meacham has been notified thereof.

C. D.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
February 27, 1873.

A. B. MEACHAM,
Fairchild's Ranch, California, via Yreka:

Telegram of 25th received. How can the objections to the *personnel* of the commission be removed?

C. DELANO,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 1, 1873.

DEAR SIR: Your letter of the 22d ultimo, inclosing a printed slip in relation to the Modoc Indian commission, reached me in due time, and was sent by me to the President for his perusal.

I desire to express to you my thanks for the kindly sentiments conveyed in your letter, and to assure you that the feeling that prompts them is duly appreciated by me.

Very truly yours,

C. DELANO.

A. H. LOVE, Esq.,
Philadelphia, Pa.

[Western Union Telegraph Company.]

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, Cal., March 2, 1873.

C. DELANO,
Secretary Interior, Washington, D. C.:

Modoc objections to *personnel* of commission entirely removed, and is satisfactory to them. We have proposed surrender as prisoners of war, to be removed by General Canby to Angel Island, protected, fed, and clothed, and a permanent home found in Arizona. They are favorably considering; we think will accept; will know definitely in a few days. Commissioner Case asks to be relieved on account of official duties at Alza.

A. B. MEACHAM,
Chairman Peace Commissioners.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 4, 1873.

A. B. MEACHAM,
Fairchild's Ranch, Cal:

If Modocs leave Pacific Coast, remove them to Indian Territory, not Arizona. This is important. Discharge Case, if deemed advisable.

C. DELANO,
Secretary.

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, Cal., March 3, 1873.

SIR: Negotiations necessarily progress slowly, but very hopefully, a great amount of time being consumed in negotiating for a meeting; Modocs in small numbers return without messenger.

On 28th ultimo sent Judge Steele and John Fairchild with the proposition to surrender as prisoners of war to General Canby; to be temporarily removed to Angel Island, protected, fed, and clothed; a new home in some warmer country, perhaps Arizona.

The intimations and expressions from the Modocs indicate prospects of an early peace and on honorable terms. This proposition seems to meet with favor from all parties in the Modoc country, except a few persons whose friends were killed immediately after the battle, November 29. It is not known whether Governor Grover and the grand jury of Jackson County will make a demand for the Indians indicted.

But we are acting with the belief that as prisoners of war the Modocs will not be surrendered. Commissioner Applegate has sent a letter of resignation, to take effect as soon as peace is proclaimed. His reasons are set forth in the communication.

Commissioner Case writes by telegraph on account of official duties. Both requests are reasonable. The matter of inquiry into "cause of war" is a very embarrassing one to your commissioners, owing to facts set forth in Commissioner Applegate's letter. Also by reason of Modoc statements to our messenger in regard to their treatment on Klamath reservation during Commissioner Meacham's administration as superintendent of Indian affairs.

Although they do not set forth any charges against ex-Superintendent Meacham, they and their friends do charge Subagent Knapp and Klamath Indians with failure to observe and maintain terms agreed on between superintendent, subagent, and Klamaths on the first part, and Modocs on the second part. These failures may be found recited by ex-Superintendent Meacham in special and annual reports, 1870–'71.

The commission, however, are determined that so far as investigation proceeds that both sides of the causes that led to the war ought to and shall be heard. And, if thought necessary by the Department, each member will withdraw, and ask that some one entirely disconnected and uncommitted be appointed to take testimony in the case. The commission, however, is of the opinion that the main facts in the case may be set forth, and a statement filed with Department, that will enable it to arrive at a just conclusion.

At present we are bending every nerve to accomplish peace on fair and honorable terms, and any investigation as to "cause of war" would embarrass and possibly frustrate and defeat the main object. But in either event, peace or renewal of war, a fair, just, and impartial statement as is possible with our limited powers to compel attendance and obtain evidence on both sides will be made, without fear of the terrible storm of opposition to peace in Oregon, or to the hope of approval by the special friends of the Modocs on this side (California) of the line.

We have sufficient reasons for believing that within a few days more we will be able to report to you an honorable and permanent peace, and yet we are aware that a slight blunder would defeat the whole mission.

Very respectfully,

A. B. MEACHAM,
Chairman Commission.

Hon. H. R. CLUM,
Commissioner Indian Affairs.

[Western Union Telegraph Company.]

HEADQUARTERS PEACE COMMISSION,
Fairchild's, March 4, 1873.

COLUMBUS DELANO,
Secretary Interior, Washington, D. C.:

Modocs emphatically reject all offers and propositions. They propose to meet, in full force, Meacham and Applegate with six men, unarmed, in lava-beds.

This undoubtedly means treachery. We are still willing to meet them in conference, but not upon their terms. They have an accession of twenty-four warriors, not Modocs, without doubt. We will send message of protection to all who come out. The mission is a failure. Instruct immediately; time is of most importance; courier awaits.

A. B. MEACHAM,
Chamber Commission.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 4, 1872.

A. B. MEACHAM,
Fairchild's Ranch, Cal.:

If Modocs leave Pacific coast, remove them to Indian Territory, not Arizona. This is important. Discharge Case if deemed advisable.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, March 5, 1873.

A. B. MEACHAM,
Fairchild's Ranch, via Yreka, Cal.:

I do not believe Modocs mean treachery. The mission should not be a failure. Think I understand now their unwillingness to confide in you.

Continue negotiations. Will consult President, War Department. Confer with General Canby to-morrow.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 5, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a letter without date, received from A. B. Meacham, esq., chairman of the special commission appointed to negotiate peace with the Modoc Indians, reporting the difficulties in the way of an easy and satisfactory adjustment of the troubles existing between the Indians and the United States.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

HON. SECRETARY OF THE INTERIOR.

[Telegram.]

FAIRCHILD'S RANCH, *March* 5, 1873.

Gen. W. T. SHERMAN, *Washington, D. C.:*

The report from the Modocs just received indicates treachery and a renewal of hostilities. This is the opinion of Mr. Steele, who was sent for at the request of the Modocs as their friend and adviser, and probbably better acquainted with them than any other person, and has just returned from their camp.

ED. R. S. CANBY,
Brigadier-General Commanding.

Official copy respectfully furnished for the information of the Secretary of War.

W. T. SHERMAN,
General.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 5, 1873.

A. B. MEACHAM,
Fairchild's Ranch, via Yreka, Cal.:

I do not believe the Modocs mean treachery. The mission should not be a failure. Think I understand now their unwillingness to confide in you. Continue negotiations.

Will consult President and have War Department confer with General Canby to-morrow.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1873.

Hon. WILLIAM W. BELKNAP,
Secretary of War:

SIR: I have the honor to transmit herewith, for your information, a copy of a telegram, dated the 4th instant, from A. B. Meacham, esq., in relation to the progress which is being made by the commission recently sent out by this Department to negotiate with the Modoc Indians, together with a copy of the Secretary's dispatch, dated yesterday, in reply thereto.

I have the honor to be your obedient servant,

B. R. COWEN,
Acting Secretary.

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, March 6, 1873.

SIR: I herewith inclose, for your information, a copy of a communication transmitted by me to the commission appointed by the General Government to conclude peace with the Modoc Indians, which, by the

hand of my private secretary, was delivered to said commission on the day of their organization, at Linkville, Jackson County, Oreg., on the 15th day of February, 1873.

Very respectfully, your obedient servant,

L. F. GROVER,
Governor of Oregon.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

[Inclesure.]

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, February 10, 1873.

GENTLEMEN: As the State of Oregon is deeply interested in the results of the pending Indian peace commission, I desire to express to you a few suggestions bearing upon the subject about to engage attention.

From official reports made to me, and from other reliable information, it appears conclusively established that the massacre of eighteen citizens of Oregon, on the 29th and 30th of November last, was committed without provocation, and without notice, cutting and shooting men down in cold blood at their homes and in their fields, one by one as they were found by Indians, who had not been attacked by the soldiery, nor otherwise molested, and who could speak our language and were personally acquainted with their victims. The homes and farms of the slaughtered settlers were upon lands to which the Indian title had long since been extinguished by treaty. These acts I hold to be deliberate and willful murder. Over such offenses I conceive the civil authorities of the State constitute the only competent and final tribunal. I desire therefore to protest, on behalf of the State of Oregon, against any action of the commission which shall purport to condone the crimes of the Modocs or compound their felonies.

The people of Oregon desire that the murderers shall be given up and be delivered over to the civil authorities for trial and punishment.

As to the land on Lost River, which some have suggested should be surrendered to the Modocs as a peace offering, allow me to say that these lands lie wholly within the State of Oregon, and within the jurisdiction of the superintendent of Indian affairs for Oregon; that the Indian title to these lands was extinguished by treaty fairly made through the Oregon superintendency between the Modocs and the General Government, on the 14th day of October, 1864. They have been surveyed under the direction of the surveyor-general of Oregon, and the surveys were long since approved by the General Land-Office. These lands have been extensively taken and are now occupied by *bona fide* settlers under the homestead and pre-emption laws of the United States. The commission will therefore have no more power to declare a reservation on Lost River, including these settlements, to make the same a basis of peace with these Indians, than they have to provide for their establishment upon any other settled portion of this State.

For the interests of Southern Oregon and for the future peace of our southern frontier, I will express the hope and confidence that the project of a reservation on Lost River will not be entertained by the commission, and that the Modocs will either consent to return to their own reservation or to be assigned to bounds beyond the settlements.

With great respect, I am, your obedient servant,

L. F. GROVER,
Governor of Oregon.

To the COMMISSIONERS *appointed to conclude peace with the Modoc Indians.*

[Telegram.]

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, March 7, 1873.

H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.:

The Modocs have reconsidered, and, by their message, have accepted terms offered by the commission on 3d instant, to surrender to General Canby as prisoners of war, to be fed, protected, and clothed, and re-

moved to a distant country. They ask that a delegation be allowed, in connection with Government officials, to look out new homes; meanwhile, the remainder subject to General Canby. Commission send message of acceptance of terms of surrender, and propose General Canby to complete the details. Commissioner Case excused. Captain Jack's sister came as messenger from him yesterday, and returned to-day, with the understanding that the Modocs would come in to-morrow. We will have a permanent peace if no treachery intervenes. If all right, shall commission confirm the terms above?

A. B. MEACHAM,
Chairman Commission.

[Telegram.]

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, March 8, 1873.

H. R. CLUM,
Commissioner Indian Affairs, Washington, D. C.:

Modocs have named Monday to meet our wagon near the lava-beds. They remain to-morrow to bury dead. We believe now that peace will be permanent. Shall any of commissioners remain after surrender of Modocs to General Canby? Instruct. Is it your desire that hereafter that management of Modocs be left entirely with the military department?

A. B. MEACHAM,
Chairman Commission.

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, Cal., March 8, 1873.

SIR: Since our last report by letter, Judge Steele and Interpreter Riddle have returned from the Modoc camp with the reply of the Modocs to the effect that they would not accept the proposition repeated in several telegrams, but that they would meet Commissioners Applegate and Meacham only with six men unarmed; they to be in full force; the meeting to transpire in the lava-beds. It was then and still is the opinion of the commission, General Canby concurring, that treachery was intended.

It is believed that the change in tone of Modocs was owing in part or wholly to the interference of certain white men; one especially, named Charles Blair, a man of disreputable character, and violently opposed to peace commission. Said Blair is a resident of Linkville, Oreg. It is capable of proof that by Indian testimony that he visited the Modocs who came from Modoc Camp, and endeavored to make them believe that the object of the peace commission was to get possession of the Indians indicted for murder by Jackson County grand jury, and have them hanged. Whether this produced the effect stated in telegram of 5th instant or not, it is quite certain a great change had come over the Modoc camp when Judge Steele returned with the proposition mentioned above about meeting Applegate and *meeting*. This proposition was rejected for reasons mentioned in telegram, "treachery," and messenger sent back with message that if Modocs desired peace they must come

to us. Modoc chief replied by sending in his sister Mary with proposal to surrender according to terms offered by Steele and Fairchild's on the 1st instant. We returned Mary with the reply that we would accept the surrender, and that General Canby would arrange details. General Canby then informed Mary that Captain Jack and as many of his people as were able to come would be expected this evening. The motive to transfer to General Canby the management of details was made by Hon. Commissioner Roseborough, and supported by Commissioners Applegate and Case. The majority of the commission are of the opinion that the duties of the commission cease after the surrender of Jack. It is the opinion of the chairman of the commission that we will have to continue in session until our labors are confirmed by Commissioner of Indian Affairs and Secretary of the Interior. The commission find much embarrassment in trying to ascertain the causes of the war, for want of commissioned authority to take testimony and send for persons and papers. We will, however, ask instructions by telegraph on this subject. We are hopeful of permanent peace; Monday being appointed by Jack to meet our wagons, and surrender themselves.

I have the honor, very respectfully to remain, your obedient servant,

A. B. MEACHAM,
Chairman Commission.

Hon. H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.

HEADQUARTERS PEACE COMMISSION,
Fairchild's Ranch, Cal., March 9, 1873.

SIR: The commission appointed to examine into the causes and bring to a conclusion the Modoc war, having concluded its labors, submit the following as its final report, to wit:

1st. The cause leading to war was the dissatisfaction of Captain Jack's band of Modocs with the provisions and execution of the treaty of October 14, 1864, and refusal to abide thereby. To what extent wrongs justified resistance, the commission, having no power judicially to investigate, cannot say.

2d. The immediate cause of hostilities was resistance by the Indians to military coercion.

3d. Unconditional surrender of the Indians and the trial and punishment of the guilty by the civil authorities would have been more satisfactory to the whites and a better example to the Indians than more lenient conditions.

4th. Terms of surrender were offered the Indians to save the further effusion of blood and secure a permanent peace by the removal of the whole tribe out of the country, a result scarcely to be hoped for by continued hostilities.

5th. The terms agreed to by the commission were suggested and must be carried into effect by the military. A commission to negotiate a peace was therefore unnecessary.

6th. A commission to inquire into the causes of the war should be composed of men wholly disinterested in the findings of the commission, directly or indirectly, and clothed with full power to investigate.

7th. Some of the *personnel* of this commission being obnoxious to the Indians, it was a hinderance to negotiations. Having no power to administer oaths nor send for persons and papers, and the official acts of the

chairman to be reviewed, its findings must have been imperfect and unsatisfactory in regard to the causes of the war. We therefore consider the commission an expensive blunder.

JESSE APPLEGATE.

Hon. H. R. CLUM,
Acting Commissioner Indian Affairs.

HEADQUARTERS PEACE COMMISSIONERS,
Fairchild, March 11.

H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.:

No Modocs appeared at appointed time and place; they first favorably considered terms offered by commission as telegraphed to you, then positively rejected next day; reconsidered and accepted; named Monday to come; failed to come in; every honorable means to secure peace has been exhausted. Modocs break every promise; have talked to our messengers, "Stop fighting, withdraw soldiers, and let us alone on Lost River." Commission have not entertained that proposition, because permanent peace will be impossible. We protest against any such terms; neither friends or enemy of Modoc would consent for them to remain. Commission will endeavor to re-open communication with Modocs. Messenger unwilling to return to their camp. Meacham desires to visit Salem before reporting to you at Washington. Commission can't agree on cause of war; each member will make individual report on cause. Await orders.

A. B. MEACHAM,
Chairman Commission.

By courier to Yreka, Cal.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 11, 1873.

A. B. MEACHAM,
Chairman Peace Commission, Fairchild's Ranch, Cal.:

Modocs having surrendered, the commission will proceed to discharge its remaining duties; namely, select a suitable reservation upon which to place the Modocs, and to which they are willing to go. Meantime they must be fed, protected, clothed, and cared for, and in all respects treated in good faith, and kindly. Superintendent Odeneal is added to your commission. You will so notify him, and show him instructions. Confer also freely with General Canby, and advise the Department of progress.

C. DELANO,
Secretary of the Interior.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 11, 1873.

Superintendent T. B. ODENEAL, *Salem, Oreg.:*

You have been added to the commission appointed to negotiate peace and provide a reservation for the Modocs. Meacham has been directed to communicate with you and show you instructions. The commission will provide suitable reservation to the Modocs, to which they are willing to go, as soon as possible, and meantime see that they are properly cared for, kindly treated, and the faith of the Government, in all respects, maintained. Communicate freely with the Department or Commissioner of Indian Affairs.

C. DELANO,
Secretary of the Interior.

[Telegram.]

SALEM, OREG., 3–12, 1873.

Hon. C. DELANO, *Secretary of the Interior,*
Washington, D. C.:

Would be pleased to aid in carrying out any policy you may adopt towards Modocs, but ask to be excused from serving on peace commission, for the following reasons: Commissioner, in letter of February 7, directed me to make terms with Willoma Indians. Having a sick child which died last Sunday, I could not go at once. To avoid trouble I sent messenger to notify Indians I would visit them between 15th and 22d instant; am now ready to go. Failure on my part could not be satisfactorily explained. Letters and petitions to governor calling for assistance indicate pendency of serious trouble. Utmost vigilance demanded toward these and Snake Indians. I fear consequence of allowing Snake Indians to roam. Is it not possible to use funds appropriated for Malheurs to collect them and commence building agency at once? If not done now, they cannot possibly be collected before winter. If properly aided, I feel confident of preserving peace. The emergency will, I trust, justify this long statement. Agent Dyer could serve as commissioner with less expense and as satisfactorily as I could. Will I be excused?

T. B. ODENEAL,
Superintendent Indian Affairs.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 13, 1873.

A. B. MEACHAM,
Fairchild's Ranch, Cal.:

Your telegram of the 11th received. Hereafter please submit your telegrams before they are sent to General Canby for his approval, and in all your official proceedings be governed by his advice, until you shall have been further advised by the Department or the Commissioner of Indian Affairs.

C. DELANO,
Secretary of the Interior.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 13, 1873.

[Telegram received from Fairchild's, Cal., March 11, 1873.]

Gen. W. T. SHERMAN, *Washington, D. C.:*

The Modocs failed yesterday at time and place appointed by themselves. Some movements of troops will be necessary in order to keep them under closer observation, but nothing more, until authorized by you. I do not regard this last action of the Modocs as decisive, and spare no efforts to bring about the desired results.

ED. R. S. CANBY,
Brigadier-General, Commanding.

Official copy respectfully furnished for the information of the Secretary of War.

W. T. SHERMAN,
General.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1873.

DEAR SIR: I beg to thank you for your reference to me, of to-day, of a copy of General Canby's telegram of the 11th instant, in regard to the Modoc war, and I wish through you to express my thanks to him. The telegram is so judicious, and so different from one which I have just received from Mr. Meacham, a copy of which I send you, that I cannot omit this expression of my sentiments. I still hope the wisdom and discretion of General Canby will prevent the further effusion of blood, and bring this unhappy controversy to a peaceable solution.

Very truly, yours,

C. DELANO.

The Hon. SECRETARY OF WAR.

HEADQUARTERS PEACE COMMISSION,
Fairchild's, March 13, 1873.

H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.:

No change in Modocs. Applegate left. Roseborough will return if necessary. I will await events till relieved, and leave nothing undone to secure success.

B. MEACHAM,
Chairman Commission.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 13, 1873.

T. B. ODENEAL,
Superintendent, &c., Salem, Oreg.:

You are excused from serving on peace commission; Subagent Dyer appointed in your place. Advise him accordingly, and give him same

instructions as given you. Make preliminary arrangements for erection of agency buildings on Malheur, and collect Indians as fast as possible. Accounts for supplies, &c., must be dated after 1st July next, as money cannot be drawn before then, and for next fiscal year.

C. DELANO,
Secretary.

DEPARTMENT OF INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 13, 1873.

T. B. ODENEAL, *Supt., &c., Salem, Oreg:*

You are excused from serving on peace commission. Indian Agent Dyer appointed in your place; advise him accordingly, and give him same instructions as given you; make preliminary arrangements for erection of agency buildings in Malheur, and collect Indians as fast as possible. Accounts for supplies, &c., must be dated after 1st July next, as money cannot be drawn before then.

C. DELANO,
Secretary.

FAIRCHILD'S RANCH, CAL.,
March 13, 1873.

SIR: No change in the aspect of Modoc matters since telegram of 10th instant. It seems to be impossible to hold them to an agreement.

No honorable means have been left untried to bring the mission to successful issue. We have sent at great expense for the friends they have desired, and they refuse to abide by the terms made by them for the commission. All of the commission have left with the understanding that they were to return if necessary. Unless otherwise ordered, I shall consult with General Canby, should it be necessary to avoid further bloodshed. It is possible that a "demonstration" may bring Modocs to a realizing sense of the situation.

Inclosed find speech of Modocs, since which time he has changed his mind; also copy of the speech of Jack's sister, on which we founded our hope of success—the one from which he receded, and which he refused to comply with.

Nothing has been heard from the Modocs for three days.

I remain, very respectfully, your obedient servant,

A. B. MEACHAM,
Chairman Commission.

H. R. CLUM,
Acting Commsssioner Indian Affairs, Washington, D. C.

[Inclosure.]

FAIRCHILD'S RANCH, CAL., *March* 6, 1873.

Message brought by Mary (Captain Jack's sister) from the Modocs.

Schonchin John said: I have heard the talk they have sent. I don't want to fight any more. I don't want to shoot any more soldiers, and I don't want any soldiers to shoot my people. I have but a few men, and I don't want to fight with more men

than I have got. I didn't think the peace commission would get mad so quickly, or the soldiers. The talk looks as if they were mad. I want to live in peace. I don't want to go anywhere to fight. I want to live in my own house, and I want to live in peace. I want to know what officer got mad so quickly. There are only two headmen of us, and we didn't get mad; we wanted to live in peace. Do they want to come and shoot us again? I don't want to shoot any one, and I don't want any one to shoot my men. I have thrown away my country, and now I want to go and hunt another. I thought they were to come, and take me away at once. I wanted time to take my people; some of them are sick; wouldn't be able to go away at once; and I don't want them to go to killing them again. I have got all my people to say yes, that they are willing to go, and not talk bad any more. I don't want this country any more. I want a warmer country. I explained this to my children, and they all say yes, and sanction it. I want to remain a little while. Some of my people are sick and can't go, and then the military can go with them.

Here ended Schonchin's talk. Mary then explained that Captain Jack was very sad, and was crying all the time.

Captain Jack said: I am very sad. I want peace quick, or else let the soldiers come and make haste and fight. I want to stay here a little while, so that my people can get ready to go. I say yes to going to a warmer country; and this is the first time I have said yes. I don't want my people shot. I don't want my men to go with guns any more. I have quit forever. I have buried the past, and don't want to be made for the past. I have heard they wanted to shoot me; that would be like shooting an old woman. I want to talk good words only. I don't want to shoot or be shot. I don't want any one to get mad as quick as they did before. I want to live in peace. I want to go and see my people on the reservation. My mind is made up to say "yes." I have a good heart, and want no mistake made this time, to live with good heart and talk truth. I have no paper men, and can't write on the papers. The papers called me bad and lied about me. If they don't lie to me I won't lie to them. I want to give up shooting. I never have been out since I came on here. If they had come I would have shot them. I never have seen any white men except those who come here. I want Fairchild and Riddle and any one else willing to come out. I want to see my people at Yainax. I have thrown away country, and unless I go I never expect to see my people again, and then I want to go to town, and then I will go away and never expect to return. I want to see what they have to say. My mind is made up, and I have but little else to say. They have got my heart now, and they must look after it and do right. I am nearly well and have a good heart now. I expect Mr. Meacham is very sick and couldn't come. I am nearly well; but I am afraid on account of the soldiers on the road. There are so many soldiers around. There are soldiers on Lost River, on Clear Lake, and Bernard's soldiers. Wouldn't they be afraid if they were in the same situation? I want to see their head-men who never have been here. I have heard of so many soldiers coming I was afraid. When they visited me they laid down and slept and were not pestered. I had a bad heart when Mr. Steele left here yesterday morning, to think that he would not come back or believe me. If I know the new country I would go out when he came in. I want to visit my people, then the new country, and want the peace commission to go with me and show it to me. I wish to live like the whites. Let everything be wiped out, washed out, and let there be no more blood. I have got a bad heart about those murderers. I have got but a few men and I don't see how I can give them up. Will they give up their people who murdered my people while they were asleep? I never asked for the people who murdered my people. I only talked that way. I can see how I could give up my horse to be hanged; but I can't see how I could give up my men to be hanged. I could give up my horse to be hanged, and wouldn't cry about it; but if I gave up my men I would have to cry about it. I want them all to have good hearts now. I have thrown away everything. There must be no more bad talk. I will not. I have spoken forever. I want soldiers all to go home. I have given up now and want no more fuss. I have said yes, and thrown away my country. I want soldiers to go away, so I will not be afraid. When I go to Yainax I don't want to come back here; but want to go to town and then to the new country. I wanted to go to a new country and not come back any more to see my people; that is why I wanted to go to Yainax. I want to see how many of my relations would go with me. I feel bad for my people in the lava-beds. I would cry if I didn't see my people at Yainax. I don't know the new country, and they wouldn't know where they were. I know no country but Shasta and Pitt River. But I say yes, and consent to everything and go away. I don't want to live here any more, because I can't live here any more in peace. I wish to go to southern country and live in peace. I want my people to stay here till I and some of my head-men go and look at new country. I want Riddle and some others to go with me. I want clothing and food for my men. I want it given them here. I don't want them to think I am deceiving them. I want my people to be taken care of while I am looking for new country. I want to know where they can stay and eat at while I am gone. I want to stop with Fairchild. I want to know if they got at me

so quick because I couldn't believe them at once. I couldn't come; I had but two horses, and the Klamaths took my good one. I have no saddle, and my horses have been ridden so much they are not fit to ride. I am a chief; am proud; am ashamed to ride a poor horse. I understand their talk now. It seems now that I had been with them and talked with them and seen them. I talk with my mouth. They have paper men to write down what I say. I want Fairchild to come to-morrow to see me. Mary has brought back good news. I want to see them as bad as they want to see me. I don't want Fairchild to be afraid to come out with Mary. I want and hope Mary will come back with message and say yes, just as I have said.

JACKSONVILLE, *March* 16, 1873.

DEAR SIR: The appointment of those commissioners has caused a delay that will result very disastrous to the settlers in the Klamath basin. News just from the front confirms our fears that Jack was talking peace only to delay till spring, when they will divide up in small bands, and desolate our country. They are driving large bands of our cattle and sheep in the lava-beds, and butchering them to feed the murderers of our friends.

J. DANY.

Hon. Secretary DELANO,
Secretary of Interior.

Please read the clippings.

THE PEACE COMMISSION.

What has it cost the Government? What has it accomplished? Have its results been beneficial to the Government or to the people interested? For weeks and months the Army has been waiting, on what? On any good that might possibly result from such a chimerical scheme of conquering peace by the force of supplications alone? No. As dishonorable and worthless as such a peace would be, it still *per se* has only the taint of mental weakness to render it loathsome. But rather, has not the Army as well as the people been compelled to impatiently wait for a few self-appointed individuals to experiment at the cost of the Government, at the expense of time, and at the sacrifice of rights properly belonging to the State, for their own personal notoriety? Has not this delay and expense of time and treasure been to gratify the personal ambition of a few individuals? The people knowing the facts, without it should be a few corrupt men that have neither principle nor honor, have been radically opposed to any compromise short of unconditional surrender on the part of the Indians. The military have been ever ready to accept such terms, and hence the farce of a peace commission. The result of the services rendered the country so far by the commission is as follows: the Indians instead of being dictated to, have dictated everything themselves, and by the wily assistance of their attorney, Steele, they have succeeded by artful lies in deceiving the commissioners and the military, and have thus secured time for preparation and re-enforcement. The Indians have been allowed to come and go at leisure. The settlers have been terrified, and have abandoned their farms without planting; and by this delay in action but little if any grain will be raised in the Klamath basin the coming season. The cost of this most wretched farce, that was conceived in sin and iniquity, by a few Indian sympathizers, is no longer reckoned by thousands, or tens of thousands, but by hundreds of thousands. How long will the people suffer such indignities? Is there no redress?

For weeks we have been listening to the silly twaddle of the Janus-faced Steele with his murderous clients, and have heard his most wicked lies about them being sick, and unable to come to time as agreed upon. Any one with a particle of sense must know that all these stories about Jack being sick have been told by his attorney to deceive the commissioners and get more time for preparation. The latest dispatches substantiate this conclusion beyond a doubt. The people are becoming aroused and will not submit to such outrages any longer, and are determined to hold these hypocritical Indian worshipers to a strict accountability for their past conduct in this matter. Judge Odeneal has already found letters implicating Steele and others in being in complicity with these murderous savages, and promises the people that he will follow their villainous tracks, until they are brought to just punishment, which they most richly deserve.

FROM CAPTAIN JACK'S COMMISSION.

YREKA, *March* 11.—Frank Merritt, who arrived last night from Fairchild's camp, says that Captain Jack was to be in last Friday to treat with General Canby, but, instead of his coming, Boston and Limpy came with the report that Captain Jack's principal men were out hunting deer. As soon as they came in he would meet the general. He appointed Monday afternoon at 2 o'clock for meeting, at a point of rocks near Tule Lake, where he would have his squaws and children. He wanted only the general, Applegate, and the commissioners to come, without any soldiers, and to bring three wagons. The general will send up three wagons and a few men as agreed, but he will take good care to have soldiers within hailing distance, as all the white men, even Steele and Riddle, are afraid of treachery, or believe that they will not surrender. When Bogus Charley was at Fairchild's ranch, he boasted that he was good for twenty soldiers, and that the Modocs could divide up into small parties of twos and threes to commit raids on settlers, and the soldiers could not catch them. Charley even stole a can of powder while at Fairchild's, and on the way back to the lava-beds found a lot of cartridges for needle-guns, that had been dropped on the ground by soldiers, near the military camps. The Indians undoubtedly have plenty of arms and ammunition, and unless they surrender on Monday, which we doubt very much, it will appear that they are treacherously playing some points to gain advantage.

THE STOCK-RAISERS' GROWL.

The stock-raisers in the Modoc section complain of loosing a large number of their cattle and sheep. The Indians are killing all they need, and so are the Oregon teamsters, who work by the day, and board themselves. Besides these, some of the soldiers also kill cattle and sheep, thinking no doubt that they taste better than Army rations alone.

The regular courier should have arrived here this afternoon, but up to 8 o'clock he had not appeared.

THE COURTESIES OF AN INDIAN WAR.

Lieutenant Boutelle, with two non-commissioned officers, en route for Redding to bring up some recruits for the first cavalry, arrived this afternoon. From him we learn that E. Steele started for Dorris's ranch yesterday morning, taking four wagons and teams, only one teamster accompanying him. Steele had been out to see some of the Indians beforehand, and felt confident they would come to the point of rocks, and there be taken in the wagons to a place across the creek, opposite Dorris's house. Tents have been put and made comfortable, with an abundance of hay, fire-wood, and food, and various articles have also been provided for the convenience of the Modocs. There was still considerable doubt felt by some about Jack's coming out.

LATER.—JESSE APPLEGATE DISGUSTEDD.—HE RESIGNS.

YREKA, *March* 11, 9 *p. m.*—David Horn has just arrived from Fairchild's, having left there this morning. He brings the following: Yesterday he went with Steel to the appointed place, at the point of rocks, on Little Klamath Lake, ten miles from Jack's camp, for the purpose of bringing Jack and party to headquarters. After waiting four hours, they saw no signs of Indians, and returned. A force of cavalry would reconnoitre the lava-beds to-day and to-morrow, to see what had become of the Modocs. Applegate has resigned his position as peace commissioner, and has gone off disgusted. Rosborough and Steele will be in shortly. The whole thing has probably been turned over to General Canby by this time. Some think that Captain Jack has been maneuvering to gain time to get away from where he is, into a country east of him, where for a hundred miles no cavalry force could follow. As soon as he gets to the Pitt River country he will find plenty of horses.

[Telegram.]

VAN BOERNER'S, CAL., *March* 17, 1873.

Gen. W. T. SHERMAN,
Washington, D. C.:

Telegrams of the 14th received. There is nothing new in the situation of the Modocs. Troops are being moved into positions that

will make it difficult for them to secure egress for raiding purposes, and in making these movements the commanders are instructed not to come in contact with these Indians. I have by this not only to secure the settlers but to impress the Indians with the folly of resistance, and by abstaining from firing upon or capturing any of their people, to impress a greater degree of confidence in us than they have. I propose to open communication with them again in the course of two or three days, and have come to this place in order to prevent interference with them by persons interested in misleading them and keeping up their fears and distrust.

I have no doubt they would consent at once to go to Yainax, but that would not insure us a permanent peace, and it would have a bad effect on neighboring tribes; and with a little patience I believe that a better arrangement can be effected.

E. R. S. CANBY,
Brigadier-General Commanding.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 18, 1873.

A. B. MEACHAM,
Fairchild's Ranch, Cal.:

Your telegram 13th received. Jesse Applegate discharged from commission at his request, to date February 26. Rev. E. Thomas, of Petaluma, appointed in Applegate's place. Inform General Canby, and call commission together when deemed necessary by you and him.

C. DELANO,
Secretary.

SENATE CHAMBER, *Washington, March* 18, 1873.

DEAR SIR: I have a dispatch from Rev. E. Thomas, of Petaluma, Cal., saying that he will accept an appointment on the Modoc Indian commission if he is appointed. You cannot get a better man.

Respectfully,

A. A. SARGENT.

Hon. C. DELANO,
Secretary of the Interior.

Letter referred by President to Secretary of the Interior March 19, 1873.

To his excellency President GRANT:

I beg you to hear one word for the forty or sixty men who stand on their defense in the lava-beds. There must be some deep sense of right to sustain forty to sixty men, poor and naked, in a stand against the millions which they know make up our nation. Our Army is to be employed. Why against the forty to sixty? Why not against Oregonians? Why against either? If true, what Steele is reported saying, "The President knows the Modocs are not to blame in this matter;"

then, why should not the Army be turned against the Oregonians? Steele says, you think misunderstanding is the cause of the difficulty. Then why employ the Army against either. You have discovered the truth; misunderstanding on one side, and covetousness, greed, and fraud on the other? Why must one thousand rifles in cold blood range themselves, urged on by greed and covetousness, against forty to sixty who are not to blame in this matter? Destiny? Can you not stand guard between the two? Can you not leave the Modocs at rest? Give them long long time. Throw upon Oregon alone the responsibility of this grave injustice? Is there no way but that our Army men must in their breasts receive the bullets which are shot because of the greed and covetousness of the Oregonians.

It is not to provoke a correspondence or elicit a reply that I write. I know your goodness and worth, all the nation knows it. I write in the hopes you will see some way to stop things where they are.

BRONSON MURRAY,
238 *West Fifty-second street, New York.*

MARCH, 1873.

[The Western Union Telegraph Company.]

PETALUMA, CAL., 3–19, 187–

Hon. C. DELANO:

Dispatch received. Start for the north to-morrow morning.

E. THOMAS.

[Indorsement.]

Respectfully referred to the Acting Commissioner of Indian Affairs for his information.

A. S. H. WHITE,
Acting Chief Clerk.

MARCH 20, 1873.

HEADQUARTERS PEACE COMMISSION,
Van Bremer's Ranch, Cal., March 19, 1873.

SIR: I have the honor to report that the headquarters of the commission have been moved to Van Bremer's, a few miles closer to lava-bed. No other commissioners have arrived. I have received notice that Superintendent Odeneal has been excused and Agent Dyer substituted in his stead. He has not yet reported to headquarters. No new feature has yet been developed since last communication. Under instructions, I am acting with General Canby, and hope to report progress in a few days. I have not entirely abandoned the hope of success, though the prospect is not flattering. I am well satisfied that had no outside treachery intervened, peace would have been accomplished already. The Modocs are informed that the authorities of Oregon demand the men indicted. Captain Jack would surrender them, but dare not. That portion of the band known as the murderers are unwilling to trust themselves in anybody's hands. I think this might be overcome if an official meeting could be had. But there has been no

time since negotiations opened that the commission, as a body, could agree to accept the terms of meeting offered by the Modocs. General Canby does not approve of an official visit at this time, and none can be made. Left to my own judgment, I should have visited Captain Jack in the lava-bed—met him on his own terms; would now, however dangerous it might be. This communication reiterates, in part, the subject-matter of former ones. The desire to have the situation understood is my excuse.

The Department will be fully advised of any changes that may transpire.

Very respectfully, your servant,

———— ————,
Chairman Commission.

Hon. H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 19, 1873.

SIR: In compliance with the directions of the Hon. Secretary of the Interior, you are advised that your resignation as a member of the special commission appointed to negotiate with the Modoc Indians in Oregon has been accepted, to date February 26, 1873, in accordance with your letter of that date, tendering the same.

Mr. Meacham has been notified accordingly.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

JESSE APPLEGATE, Esq.,
Fairchild Ranch, Cal.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 19, 1873.

Rev. E. THOMAS, *Petaluma, Cal.:*

You have been appointed a member of the peace commission—in place of Applegate—to treat with Modocs.

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, March 20, 1873.

MY DEAR SIR: I have received your letter of the 18th instant, giving your views in relation to the trouble with the Modocs, for which please accept my thanks.

It has been sent to the honorable the Secretary of War, for his perusal, with the request that he will present it to the President.

Very truly, yours,

C. DELANO.

A. H. LOVE, Esq.,
Philadelphia, Pa.

WAR DEPARTMENT,
Washington City, March 20, 1873.

SIR: I have the honor to inclose, for your information, copy of a dispatch just received from Brig. Gen. E. R. S. Canby, giving the latest information relative to the Modoc Indians.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. the SECRETARY OF THE INTERIOR.

VAN BREMER'S, CAL., *March* 17, 1873.

Gen. W. T. SHERMAN,
Washington, D. C.:

Telegrams of the 14th just received. There is nothing new in the situation of the Modocs. Troops are being moved into positions that will make it difficult for them to secure egress for raiding purposes; and in making these movements the commanders are instructed not to come in contact with the Indians. I have, by this, not only to secure the settlers, but to impress the Indians with the folly of resistance, and, by abstaining from firing upon or capturing any of their people, to impress a greater degree of confidence in us than they now have. I propose to open communication with them again in the course of two or three days, and have come to this place in order to prevent interference with them by persons interested in misleading them and keeping up their fears and distrust. I have no doubt they would consent at once to go to Yainax, but that would not insure us a permanent peace, and it would have a bad effect on neighboring tribes, and, with a little patience, I believe that a better arrangement can be effected.

E. R. S. CANBY,
Brigadier-General Commanding.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 22, 1873.

[Telegram dated Van Bremer's Ranch, Cal., March 16, 1873.]

General W. T. SHERMAN,
Washington, D. C.:

The squaw sent into the Modoc camp returned yesterday. The excuse made by the Indians for not keeping their appointment is, that at the last moment their hearts failed them, and they could not bring themselves to the point of abandoning their old homes and going to a distant country. They are evidently not now in a disposition favorable to any arrangement, although they profess a willingness to have another talk. It will be some time before the commission can be assembled, and, in the mean time, the troops will be put in positions that cover, as far as possible, all points of egress from the lava-beds. I think that a system of gradual compression, with an exhibition of the force that can be used against them, if the commission should again fail, will satisfy them of the hopelessness of any further resistance, and give the peace party sufficient strength to control the whole band. Time is becoming of the greatest importance, as the melting of the snow will soon enable them to live in the mountains. This will greatly increase the difficulties we have to contend with, as they will then break up into small parties and can more readily make their escape from their present location.

ED. R. S. CANBY,
Brigadier-General Commanding.

[By courier to Yreka, Cal., 21st.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 22, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a communication of the 6th instant, from the Hon. L. F. Grover, governor of Oregon, to this Office, with inclosed copy of a letter to the Modoc peace commission, under date of 10th ultimo, containing suggestions bearing upon the subject about to engage their attention.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 24, 1873.

General E. R. S. CANBY, Commanding,
Van Bremer's Ranch, Modoc Country, via Yreka, Cal.:

Secretary Delano is in possession of all your dispatches up to March 16, and he advises the Secretary of War that he is so impressed with your wisdom and desire to fulfil the peaceful policy of the Government, that he authorizes you to remove from the present commission any members you think unfit, to appoint others to their places, and report through us to him such changes.

This actually devolves on you the entire management of the Modoc question, and the Secretary of War instructs me to convey this message to you with his sanction and approval.

W. T. SHERMAN,
General.

Official copy respectfully furnished for the information of the Secretary of War.

W. T. SHERMAN,
General.

Respectfully referred to the Acting Commissioner of Indian Affairs, for his information.

A. S. H. WHITE,
Acting Chief Clerk.

MARCH 16, 1873.

WAR DEPARTMENT,
Washington City, March 22, 1873.

SIR: I have the honor to inclose copy of a telegram of the 16th instant, from Brig. Gen. E. R. S. Canby, giving the latest information relative to the Modocs.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. the SECRETARY OF THE INTERIOR.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 22, 1873.

[Telegram, dated Van Bremer's Ranch, Cal., March 16, 1873.]

Gen. W. T. SHERMAN,
Washington, D. C.:

The squaw sent into the Modoc camp returned yesterday. The excuse made by the Indians for not keeping their appointment is, that the last moment their hearts failed them, and they could not bring themselves to the point of abandoning their old homes and going to a distant country. They are evidently not now in a disposition favorable to any arrangement, although they profess a willingness to have another talk. It will be some time before the commission can be assembled, and in the mean time the troops will be put in positions that cover, as far as possible, all points of egress from the lava-beds. I think that a system of gradual compression with an exhibition of the force that can be used against them, if the commission should again fail, will satisfy them of the hopelessness of any further resistance, and give the peace party sufficient strength to control the whole band. Time is becoming of the greatest importance, as the melting of the snow will soon enable them to live in the mountains. This will greatly increase the difficulties we have to contend with, as they will then break up into small parties, and can more readily make their escape from their present location.

ED. R. S. CANBY,
Brigadier-General, Commanding.

)By courier to Yreka, Cal., 21st.)

WAR DEPARTMENT,
Washington City, March 22, 1873.

MY DEAR SIR: I have read the letter from Alfred H. Love, esq., president of the Universal Peace Union, dated the 18th instant, inclosed in yours of the 20th instant, relative to the Modoc difficulty, and herewith return it.

Yours, very truly,

WM. W. BELKNAP,
Secretary of War.

Hon. C. DELANO,
Secretary of the Interior.

PHILADELPHIA, *Thirdmonth*, 18, 1873.

RESPECTED FRIEND: Your kind favor of the 13th instant was received on my return from Baltimore. Had it been received before my reaching home, I should have been tempted to have gone to Washington to confer with you, as you kindly suggest. Last Friday evening a public meeting was called in this city by the Pennsylvania branch of the Peace Society, at which the Modoc difficulty was freely considered, and as freely deplored. The grave mistakes alluded to in my recent respects were unanimously confirmed by the meeting, a report of which appeared next day in the Press. To us the solution of the matter seems so plain and simple that perhaps we forget the distance we are removed from the Indians, and the meager reports we have; but we see that there has been a want of confidence, and that want of confidence has engendered fear on each side—the natural result of going with a reserve of military and of requiring a surrender as *prisoners of war* as the very first proposition of peace. There is an evident incompatibility in this. The peace question must be carried forward without fear and without dependence upon carnal weapons. We would say, let such a commission approach the Indians who have no fear of death, with the open hand, with food and clothing to relieve suffering, and with authority to propose a settlement of difficulties, and then to await its acceptance by the authorities at Washington. Let such a delegation be composed of men and women of judgment, patience, and true moral courage, and there would be a satisfactory adjustment of the trouble. We feel a delicacy about presenting our views, for you have done so well and accepted so much that has been proposed by the friends of humanity; but we have thought that in this trial-hour there was a fear of a departure from the peace principles that have

governed you heretofore. The sympathy you express, however, ought to disarm us of any such apprehension; and were it not that we feel so deep an interest, and so confident of success when the right plan is adopted, and the right persons carry it out, we should not reply to your favor with these suggestions. Let these Modocs know that the military is not to interfere; that their true friends are there to meet them, and let those friends be friends in spirit and in truth, and their lives will not be in danger, and the peace of our country and the judgment of your administration in this particular will be secured.

With assured respect, your friend,

ALFRED H. LOVE.

C. DELANO,
Secretary of the Interior, Washington, D. C.

P. S.—I have no doubt but the appointment of E. P. Smith is in every way judicious

(Indorsed:) Department of the Interior. Received March 19, 1873. Dated March 18, 1873. Letter from A. H. Love, Philadelphia, Pa. Subject: In relation to measures taken to secure peace with Modocs, &c. Action: Respectfully acknowledged, and letter sent to Secretary of War, with personal note. March 20, 1873. Registered in Department records, vol. 9, p. 265.

DEPARTMENT OF THE INTERIOR,
March 22, 1873.

SIR: Your communication of this date, inclosing a telegram from General Canby, dated the 16th instant, is received.

I have so much confidence in the wisdom, discretion, and correct purposes of General Canby in regard to the execution, as far as possible, of the President's policy and the Department's wish to procure peace, and prevent further bloodshed with the Modocs, that I deem it my duty to authorize General Canby to remove from the present commission appointed by this Department any member whom he thinks unfit or improper, and appoint in his place such persons as, in his judgment, should be appointed, always expecting him to inform this Department through the War Department or otherwise, immediately on his action.

You will please inform General Canby of the substance of this letter, provided you are willing to allow him to use the discretion, and exercise the power, which are hereby conferred upon him, with your approbation.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. W. BELKNAP,
Secretary of War.

[Telegram, dated Van Bremer's Ranch, Cal., March 24, 1873.]

Col. W. D. WHIPPLE,
Assistant Adjutant-General, Washington, D. C.:

Accompanied by Colonel Gillem, had an unsatisfactory meeting with Captain Jack yesterday afternoon, in the neighborhood of his camp. The result confirmed the impression previously reported, that the war faction is still predominant. Captain Jack's demeanor was that of a man under duress, and afraid to exhibit his real feelings. Important

questions were evaded, or not answered at all. The substance of all that could be elicited from him was that he did not want to fight, that the lava-bed was a bad place, and that he wanted to go to his home on Lost River. He wanted all of the soldiers moved out of the country. If anybody wanted to talk to him they must come to his camp, and if anything was to be done for him it must be done there. The meeting of yesterday was in part accidental, as I had not intended to communicate with Captain Jack until the troops were in their new positions, but the conference was invited by the Indians, and was accepted as first arranged. Captain Jack and Scar-chin John, the second chief, were to have met Colonel Gillem and myself, but when we reached the place we found that the war faction had substituted their leader for Schonchin, no doubt for the purpose of watching Captain Jack, and seeing that he did not commit himself to their prejudice.

The troops are now moving into their positions, and when they are reached, then communication may again be opened with the Modocs with the hope of better results.

ED. R. S. CANBY,
Brigadier-General Commanding.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 24, 1873.

A. B. MEACHAM,
Fairchild's Ranch, Cal., via Yreka:

Show your instructions to General Canby. Do not insist upon Coast reservation as permanent location if Indians will go to some other suitable place; would not insist upon their going to Angel Island as prisoners of war if they will surrender and go to a suitable reservation; do not think those indicted should be surrendered to civil authorities for trial for murder, provided they will surrender and go to a reservation. Confer with General Canby, and show him this.

C. DELANO,
Secretary of the Interior.

HEADQUARTERS VAN BREMEN'S,
March 24, 1873.

SIR: I have the honor to acknowledge receipt of telegram from the honorable Secretary of the Interior of the 18th instant, giving notice of the appointment of Rev. E. Thomas, of Petuluma, Cal., in place of Hon. Jesse Applegate, and also of the appointment of Agent L. S. Dyer in place of Superintendent Odeneal. Rev. Mr. Thomas has been notified by telegraph that a Government ambulance would meet him at Yreka, Cal. Agent Dyer has not yet reported.

On the 22d instant Generals Canby and Gillem, with a company of cavalry, made a reconnaissance of the lava-bed country, during which a meeting was had with Captain Jack. The Modocs were reserved and evasive. They desire peace, but on terms heretofore reported to you—"withdrawal of troops and return to Lost River," &c. No conclusions were arrived at. Future meetings may be arranged for without diffi-

culty. The commission will continue to labor for peace, with slight hopes of success. The Modocs do not now object to the *personnel* of the commission. The principal impediment is the fear that the Indians indicted by the Jackson County grand jury will be punished. The military and commission are laboring in harmony to overcome distrust on the part of the Modocs. This is very difficult, because of the intervention of bad white men, who desire the war prolonged for mercenary motives.

The desire of the authorities is well understood, and no honorable means will be left untried to secure the end sought for—peace.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Chairman Commission.

Hon. H. R. CLUM,
Acting Commissioner, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 24, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a communication from A. B. Meacham, esq., chairman of the commission, under date of the 8th instant, reporting further action in the settlement of the Modoc Indian difficulties.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

HON. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
March 24, 1873.

SIR: Fearing that General Canby has never seen the instructions to the commission, at the head of which Mr. Meacham's name stands, I have directed Mr. Meacham to exhibit these instructions to General Canby immediately.

By these instructions it was intended that the commissioners should not insist as a *sine qua non* upon the Coast reservation as a place for locating the Indians. It was intended that their wishes should in some respect be consulted and adopted, and hence Lost River was suggested as a place for their location, provided they declined the Coast reservation.

I wish you to direct General Canby to see the instructions under which the commissioners are acting, and to consult as far as practicable the wishes of the Indians in regard to a location, so that peace may not be prevented by peremptorily insisting that they go to some place to which they are unwilling to remove. I do not think they ought to be required to go to Angel Island as prisoners of war, provided their surrender can be obtained on condition they remove to some other place.

I wish also to add that in my opinion, if the Indians oppose it, it

should not be insisted upon that the Modocs who have been indicted be surrendered to the civil authorities for trial.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. W. BELKNAP,
Secretary of War.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
March 24, 1873.

A. B. MEACHAM,
Fairchild's Ranch, Cal., via Yreka:

Show your instructions to General Canby. Do not insist upon Coast reservation as permanent location if Indians will go to some other suitable place. Would not insist upon their going to Angel Island as prisoners of war if they will surrender and go to a suitable reservation.

Do not think those indicted should be surrendered to civil authorities for trial for murder, provided they will surrender and go to a reservation. Confer with General Canby and show him this.

C. DELANO,
Secretary of the Interior.

WAR DEPARTMENT,
Washington City, March 26, 1873.

SIR: I have the honer to inclose, for your information, copy of telegram of the 24th instant, from Brigadier-General Canby, stating the result of an interview with Captain Jack on the 23d instant.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

By direction of the Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram, dated Van Bremer's Ranch, Cal., March 24, 1873.]

Col. W. D. WHIPPLE,
Assistant Adjutant-General, Washington, D. C.:

Accompanied by Colonel Gillem, I had an unsatisfactory meeting with Captain Jack yesterday afternoon in the neighborhood of his camp; the result confirmed the impression previously reported, that the war faction is still predominant. Captain Jack's demeanor was that of a man under duress, and afraid to exhibit his real feelings. Important questions were evaded or not answered at all; the substance of all that could be elicited from him was that he did not want to fight; that the lava-bed was a bad place, and that he wanted to go to his home on Lost River. He wanted all of the soldiers moved out of the country. If anybody wanted to talk to him they must come to his camp, and if anything was to be done for him, it must be done there. The meeting of yesterday was in part accidental, as I had not intended to communicate with Captain Jack until the troops were in their new positions, but the conference was invited by the Indians, and was accepted as first arranged. Captain Jackand Schon-

chin John, the second chief, were to have met Colonel Gillem and myself, but when we reached the place we found that the war faction had substituted their leader for Schonchin, no doubt for the purpose of watching Captain Jack, and seeing that he did not commit himself to their prejudice. The troops are now moving into their positions, and when they are reached, then communication may again be opened with the Modocs with the hope of better results.

ED. R. S. CANBY,
Brigadier-General Commanding.

WAR DEPARTMENT,
Washington City, March 29, 1873.

SIR: I have the honor to inclose, for your information, a copy of a telegram of the 28th instant, from Brigadier-General Canby, reporting a conference had with the Modocs by Colonel Gillem.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk for Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
March 31, 1873.

Respectfully referred to the Acting Commissioner of Indian Affairs.

A. S. H. WHITE,
Acting Chief Clerk.

[Telegram received at headquarters Army of the United States, Washington, D. C., March 29, 1873. Dated San Francisco, March 28, 1873.]

Gen. W. T. SHERMAN,
Washington, D. C.:

Your telegram of the 24th has been received. The commission as at present organized will, I think, work well. Yesterday the Modocs again invited conference, and Colonel Gillem, who, with the party examining the lava-bed, had a short interview with two of the most intelligent, both, however, of the peace party. He is of opinion that they are more subdued in tone and more amenable to reasoning than at the last previous interview.

I think that when the avenues of escape are closed, and their supplies cut off or abridged, they will come in.

ED. R. S. CANBY,
Brigadier-General Commanding.

(By courier to Yreka, Cal.)

Official copy respectfully furnished for the information of the Secretary of War.

W. T. SHERMAN.
General.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 29, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a communication from A. B. Meacham, esq., chairman Modoc peace commission, dated 13th instant, reporting further action, and inclosing message brought by Mary (Captain Jack's sister) from the Modocs, under date of the 6th instant.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 2, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of an unsigned communication from A. B. Meacham, esq., chairman of Modoc peace commission, under date of the 19th ultimo, reporting the condition of the Modoc difficulties.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 7, 1873.

SIR: I have the honor to transmit herewith, for your information, a copy of a communication from A. B. Meacham, esq., chairman of Modoc peace commission, under date of the 24th ultimo, giving a further report of the condition of Modoc difficulties, and acknowledging receipt of telegram notifying him of the appointment of Commissioners Thomas and Dyer, vice Odeneal and Applegate.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[The Western Union Telegraph Company.]

LAVA-BEDS, *April* 7, 1873.

Hon. C. DELANO, *Secretary, Washington, D. C.:*

First meeting since our arrival here; Modocs insisted on amnesty for all; home on Lost River; second meeting they abandoned Lost River, demanded lava-bed for a home. We do not believe lasting peace would follow settlement of Modocs in this country. We meet them to-morrow to discuss only amnesty and a new home. They are wavering, and indicate willingness to talk over these terms.

A. B. MEACHAM,
Chairman

EXECUTIVE MANSION.

MODOC INDIANS.

Copy of telegram from General Canby, in relation to them, and one from General Schofield.

Respectfully referred to the Secretary of the Interior by direction of the President.

LEVI P. LUCKEY,
Secretary.

APRIL 11, 1873.

APRIL 12, 1873.

Respectfully referred to Commissioner of Indian Affairs.

A. S. H. WHITE,
Acting Chief Clerk.

[Telegram received at headquarters Army of the United States, Washington, D. C. April 9, 1873; dated San Francisco, Cal., April 8, 1873.]

To Gen. W. T. SHERMAN:

Your dispatch of yesterday is received. I have the Modoc papers, and conclude the affair is near a settlement in one way or the other. I shall be glad to leave Canby to finish it. I have nothing to add to my letters from Honolulu, except a confirmation of the belief expressed in that of February 13, as to the wishes of the Hawaiian government. They are waiting for the necessary encouragement from the United States. General Alexander and I will in due time submit our report as required by the Secretary's letter of June 24.

J. M. SCHOFIELD,
Major-General, U. S. A.

Official copy respectfully furnished for the information of the President.

W. T. SHERMAN,
General.

[Telegram received at headquarters Army of the United States, Washington, D. C., April 9, 1873; dated Tule Lake, Cal., April 7, 1873; by courier to Yreka, Cal, 8th.]

To Col. W. D. WHIPPLE,
Assistant Adjutant-General, Washington, D. C.:

I have just received the papers referred by you on the 25th ultimo. The instructions to Mr. Meacham, of the 24th, were shown to me, and have not been overlooked. If the Modocs surrender as prisoners of war the General Government would have paramount and exclusive jurisdiction over the cases of all. The same result would be secured by treaty, but are not treaties with Indian tribes prohibited by recent legislation? A resolution [reservation?] within the limits of either California or Oregon would not bar State jurisdiction until after its cession by those States, and would have no retroactive effect, and for crimes committed within the limits of such a reservation it is doubtful, under Mr. Justice Miller's decisions in the Kansas reservation cases, where the State jurisdiction would not prevail, the murders of citizens were committed beyond the limits of any reservation, and within the jurisdiction of the two States, and, of course, anterior to any arrangement with the Modocs. I do not question the right or the power of the General Government to make any arrangement that may be thought proper; but I think they should make such as to secure a permanent peace, together with liberal and just treatment of the Indians. In my judgment permanent peace cannot be secured if they are allowed to remain in this immediate neighborhood. The Modocs are now sensible that they cannot live in peace on Lost River, and have abandoned their claim to it, but wish to be left in the lava-beds. This means license to plunder, and a stronghold to retreat to, and was refused. Their last proposition is to come in and have the opportunity of looking for a new home not far away, and, if they are sincere in this, the trouble will soon be ended; but there has been so much vacillation and duplicity in their talks that I have hesitated about reporting until some definite result was attained. All the movements of the troops have been made deliberately and cautiously, so as to avoid collision and to impress the Indians that we have no unfriendly intent; thus far have succeeded very well, but their conduct has given so much reason to apprehend that they are only trying

to gain time that I have organized a party of scouts to operate with the troops if they should go to the mountains or renew hostilities.

ED. R. S. CANBY,
Brigadier-General Commanding.

Official copy respectfully furnished for the information of the President.

W. T. SHERMAN,
General.

[Telegram by Western Union Telegraph Company, dated headquarters Modoc Peace Commission. Camp Lava-Bed, south side Tule Lake, April 13, 1873]

H. R. CLUM,
Acting Commissioner Indian Affairs, Washington, D. C.:

SIR: I have to report that, on the 11th instant, while this commission was holding a council with the Modocs, by an act of unparalled and premeditated treachery on their part, General Canby and Dr. Thomas were brutally murdered, Meacham left for dead, and I escaped by running, five shots being fired at me. Meacham may recover. Roseborough was absent, having gone home two days previous. The Indians are insolent, firing daily on picket-lines. Peace cannot be made with these men. Waiting further orders,

I remain,

L. S. DYER.

(By courier to Yreka, Cal.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 14, 1873.

WASHINGTON GLADDEN,
Editor Independent, New York City:

An article giving history of Modoc troubles, and editorial on General Canby, will be mailed you to-night. Will you keep room for it, if acceptable? Telegraph reply.

E. P. SMITH,
Commissioner.

HEADQUARTERS CAMP SOUTH SIDE TULE LAKE, CAL.,
April 16, 1873.

SIR: Since our arrival at the lava bed, the commission, together with General Canby, had labored hopefully and had apparently gained several points over the Indians looking to a peaceful solution of this question until Friday morning, 11th instant. We had thwarted all their schemes of treachery through the fidelity of our interpreter, Mrs. Riddle, a Modoc woman. On that morning terms were agreed upon for a meeting satisfactory to Dr. Thomas and General Canby, though not to Mr. Dyar, nor myself or the Modoc woman, General Canby remarking that they dare not molest us, because his forces commanded the situation, and Dr. Thomas said that where God called him to go he would go trusting to His care.

The meeting was held according to time and place agreed upon. Canby, Meacham, Thomas, and Dyar, and eight *armed* instead of six *unarmed* Indians, as was agreed upon. The talk was short, the Modoc chiefs both saying that unless the soldiers were withdrawn from the country no further talk could be had. Up to that point, the commission reaffirming that the soldiers would never be withdrawn until the difficulty was settled, and still extending the offer of amnesty, a suitable and satisfactory home, and ample provision for their welfare in the future, the reply from both chiefs was, "take away your soldiers and we will talk about it."

General Canby assured the Indians that he was here for the protection of both parties, and to see that the commission faithfully performed their promises. About this time two armed Indians suddenly appeared from the bush in our rear. An explanation was asked, and Captain Jack replied by snapping a pistol at General Canby, saying in Indian "all ready," after which General Canby was dispatched by Captain Jack with a pistol and knife, Dr. Thomas by a pistol shot in the breast, and a gun-shot in the head by Boston. Meacham attempted to escape toward camp, the former followed by Schonchin John, and the latter by Black Jim and Hooker Jim. Schonchin fired six shots at Meacham, hitting him four times and leaving him for dead. Boston attempting to scalp him, was deterred by the Modoc woman. Dyar escaped unhurt, although fired at three times by Black Jim, who was only a few feet away, and twice by Hooker Jim, by whom he was pursued. After running about two hundred yards, he turned upon his pursuers with a small pocket derringer, when the Indians turned and ran back, thus letting Dyar get away.

Mr. Dyar will be obliged to leave in a day or two on account of official duties, but while here the remainder of the commission will consult with General Gillem should any active measures be necessary on our part.

We believe that complete subjugation by the military is the only method by which to deal with these Indians.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Chairman Modoc Peace Commissioners.

Hon. C. DELANO,
Secretary of the Interior.

NEW BRUNSWICK, *April* 17, 1873.

This morning I wrote to Mr. Creswell suggesting that it might be of much good practice to use any material that would be most likely to drive the Modocs from their fastenings, but as by the morning papers Mr. Creswell is not in Washington, permit me to suggest that gas-smoke from sulphur, as the most sure means of forcing the savages out of their lava-holes.

Yours, respectfully,

A. HAMILTON.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April 18, 1873.

L. S. DYAR, *United States Indian Agent, Camp Lava-Bed, via Yreka, Cal., Headquarters Modoc Commissioners:*

Commission discontinued. Advise Commissioners Meacham and Rosenborough.

E. P. SMITH,
Commissioner.

Charge Indian office.—EDWD. P. SMITH, *Commissioner.*

AUGUSTA, *May* 3, 1873.

MY DEAR SIR: That Modoc war is getting to be a disturbing affair. Please refer me to the documents which give our dealings with that tribe, their history, &c. Show precisely how we came to this pass with them, and oblige,

Very truly yours,

L. M. MORRILL.

Hon. B. R. COWEN,
Assistant Secretary of the Interior.

SALEM, OREG., *May* 6, 1873.

SIR: Permit me to inform you that I have arrived here at home. Since leaving the lava-bed my wound has been healing rapidly, and I hope that within the next twenty days to be out nearly as good as new. I purpose being in Washington before the present month closes, at which time will submit my report.

I am, very respectfully, your obedient servant,

A. B. MEACHAM,
Chairman Modoc Peace Commission, Per B.

Col. H. R. CLUM,
Acting Commissioner Indian Affairs, Washington City, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
May 8, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, on the 6th instant, of a letter from Hon. L. M. Morrill, dated the 3d instant, in which Mr. Morrill, after alluding to the Modoc war, asks to be referred "to the documents which give our dealings with that tribe, their history, &c., and how precisely we came to this pass with them, and respectfully submit that the matter of the troubles with the Modoc Indians has been twice reported upon by this Office to the Department, once January 14 last, in reply to a resolution of the United States Senate of the 8th of the same month, and again February 7 last, in answer to resolution of the United States House of Representatives of the 3d of that month. The first report, with the ac-

companying papers, will be found in Senate document No. 29 of the last session of Congress.

In regard to the report of February 7 ultimo, I am not aware that it is contained in any public document, nor do I know of any other published document than the one above mentioned bearing especially upon the subject in question.

Mr. Morrill's letter is herewith returned.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. C. DELANO,
Secretary Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
May 9, 1873.

I am in receipt of your letter of the 24th ultimo, reporting your condition, and making inquiries relative to the proper manner of making up the accounts of the late Dr. Thomas for services, &c.

In reply, I have to say that the account can be made up by the administrator of the estate, including pay up to the date of his decease, and forwarded to this Office for payment, or it can be paid by you, after the same shall have been certified to and receipted by the administrator, care being taken that the proper sub-vouchers for the items of expense charged accompany the account, or, if impracticable to obtain them, that the certificate of the administrator to that effect be attached to the account.

In either case a certified copy of the administrator's letter of administration must accompany the account.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

A. B. MEACHAM, Esq,,
Commissioner, &c., Salem, Oreg.

WAR DEPARTMENT,
Washington City, May 17, 1873.

SIR: I have the honor to transmit, for your information, copy of a dispatch from Col. Jeff. C. Davis to Major-General Schofield, reporting movements of the Modocs, and the capture by them of a supply-train.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

HEADQUARTERS MILITARY DIVISION PACIFIC,
San Francisco, Cal., May 9, 1873.

Gen. W. T. SHERMAN, *Washington, D. C.:*

The following dispatch from Colonel Davis just received.

J. M. SCHOFIELD,
Major-General.

HEADQUARTERS AT TULE LAKE, *May* 8.

Major-General SCHOFIELD:

I sent two friendly squaws into the lava-bed day before yesterday. They returned yesterday, having found the bodies of Lieutenant Cranston and party, but no Indians. Last night I sent the Warm Spring Indians out. They find that the Modocs have gone in a southeasterly direction. This is also confirmed by the attack and capture of a train of four wagons and fifteen animals yesterday afternoon near Supply Camp, on east side of Tule Lake. The Modocs in this party reported fifteen or twenty in number; escort to train about the same. Escort whipped, with three wounded. No Indians known to have been killed. I will put the troops in search of the Indians to-morrow, with five days' rations.

JEFF. C. DAVIS,
Colonel Commanding.

HEADQUARTERS OF THE ARMY, *May* 12, 1873.

Official copy respectfully furnished for the information of the Adjutant-General United States Army.

WM. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 14, 1873.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

FORT ROSS, SONOMA COUNTY,
By Duncan's Mills, June 8, 1873.

DEAR SIR: I conjure you not to be mixed with the arrangements for the deaths of the captured Modocs. The whole scheme has been to take the management of the removal of these Indians from yours, the legitimate department.

In trying to digest the mixed arrangement of a "war-peace," I arrive at the conclusion that General Canby, a military leader, had power to completely control the peace commissioners.

The so-called peace commissioners, ruled by an Army general, went with him to hold a friendly conversation with the Modocs, and offer them as a "peace" arrangement—

1st. Unconditional surrender.

2d. The future management of their lives, in exile from their ancient inheritance, their rightful homes.

This military peace commission was backed at the very time by a large Army force, trying to surround the Indians; having all the implements of war ready to pour into their cheerless, miserable caves, added to which a man named McKay, with white blood and a squaw wife, had been mustered into the service of the Government, and at the hour of the peace conference was advancing rapidly with a re-enforcement of seventy-five hostile Warm Spring warriors to aid the military peace commission. They, the Modocs, knew they were to surrender all they knew of or loved, or be killed or captured. Your Department was too lenient for the purposes designed. General Canby and Dr. Thomas disregarded three warnings. They walked to their fate. It was sad, very sad, but General Canby was an old Army officer. He knew that *war is an art*, a *science*, and that in time of war all stratagems are legitimate.*

We were at war; a large force of, I suppose, forty white men to one red man were on the ground and more still advancing. War between the Government and the Modocs was recognized by the press, by the people, and by military action, and you had not at the time your legal controlling "Interior Department power." If General Canby had been

* Except the violation of a flag of truce. I will further on show *our regard for it*, and I pray you read it attentively.

fitted for his task, a most important and a most delicate one, he would have reviewed the past suffering of the Modoc people; he would have known that the art of war is teachable; that in its usages knowledge comes by instruction and example; that we, yes, let us meet the disgrace, that we, in the fall of 1852, sought the fathers of these, the living Modoc chiefs; invited them to a "peace" conference; raised the white flag, the emblem of suspended hostilities; smoked with them the pipe of peace, in the selected spot of the lava-beds near (O, strange return!) the place of the death of General Canby and Dr. Thomas; and while conversing as to future peace arrangements, Benjamin Wright, the leader of the American force, raised his pistol, upon a preconcerted signal, and shot down the "Modoc" nearest to him; simultaneously twenty pistol-shots from his men brought eighteen Modocs writhing in their death-agony on the rocks, and our humane "braves" bent over the persons of the expiring Modocs, cut off their scalps, raised their two wounded fellows, for some flying Indians had sent avenging arrows from their bows—arrows were all the Modocs had at that time to return for leaden bullets—and tenderly carried off their wounded on stretchers on horseback to Yreka. Was Ben. Wright punished? No; he was rewarded with an Indian agency. A fine specimen of Indian agency was this red-handed assassin. Did our people at Yreka view Ben. Wright and his brother butchers with detestation of their horrid crime? No; they turned out en masse to meet the returning warriors with their bloody trophies, the Modoc scalps. They opened the hotel to entertain the assassin guests; they sang songs, made speeches laudatory of bloody Ben. Wright. The Modoc language is, I believe, traditional. Think you that the captured chiefs are ignorant of the fate their fathers met under the "flag of truce?"

If General Canby did not know it, he was utterly unfit for the position he held. If he did know it, he knew that retaliation is the art of war. Mr. Secretary, I do not feel that I am intruding, although I am personally unknown to you. You have not ordered the extermination of the Modocs. It is General Sherman who, under the authority of President Grant, commanded their "utter extermination," and sent large military forces to effect it; and as these forces could not kill them in fair fight, they then brought household treachery to their aid, and now the military, not your Department, have the whole tribe or nation of the Modocs in their possession. "Let them see to it."

The only moving things that are ordered for extermination are "rats;" and now General Sherman can exterminate all the Modocs, from the aged squaws to the infants at their mothers' breasts; and if he is brave enough to order this crime and not to execute it, there is a *Mrs. Lydia Sherman* in some northern jail who is conceded to be the most skillful exterminator in the States. She will doubtless come out for the work, at the command of her namesake; of the Christian officer, who thinks "that if they, the Indians, have wrongs, it has nothing to do with the question,' and then, "when you are exterminating, you cannot discriminate," &c.

The favor that I ask of you is to send me promptly, as a favor, such knowledge as is reliable, of the Ben. Wright's massacre of the Modocs under "a flag of truce" in the fall of 1852. Your name shall be sacred with me. I am a lady; a reliable one. Ask my old friend, Donn Piatt, or my nephew, Dr. Frederick May, who I am. I am not aspiring to citizenship with negroes, nor joining in the cry to kill the Modocs, to whom we *taught treachery under the "flag of truce."*

Respectfully,

Mrs. MARY L. BENHAM.

COLUMBUS DELANO,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
June 12, 1873.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th ultimo, transmitting a copy of a letter from Brevet Major-General George Crook, of the 12th ultimo, to General Schofield, reporting in reference to Indian affairs in Arizona, together with the indorsement of Maj. Gen. J. M. Schofield thereon, dated San Francisco, 5th June.

By the latter portion of General Schofield's indorsement, I infer that he intends to express the opinion that the effort to remove the Modocs by military force, was made under the advice and at the instigation of the superintendent of Indian affairs, T. B. Odeneal, and in opposition to the advice of the department and division commanders.

This is the first information to this effect received at the Indian Office, or by this Department, and, being desirous to know certainly whether I correctly understand General Schofield, and if so, on what facts or evidence his statement is made, I have the honor respectfully to call your attention to this subject, and ask that you procure for this Department the required information.

I am, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. W. BELKNAP,
Secretary of War.

[Telegram by the Western Union Telegraph Company. Dated San Francisco, Cal., June 13, 1873. Received Washington, D. C., June 14, 12.30 a. m.]

Maj. Gen. E. A. TOWNSEND,
Adjutant-General U. S. A., Washington, D. C.

I try Modoc assassins. Were Ute commissioners appointed by written commissions? If yes, please send me official copies. Is Commissioner Meacham in Washington? Please reply by telegraph.

H. P. CURTIS,
Judge-Advocate.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 14, 1873.

Official copy:

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 14, 1873.

SIR: I inclose herewith a dispatch just received from the judge-advocate of the military commission appointed to try the Modoc Indian prisoners in California. Will you please furnish me by the bearer with the necessary information to reply by telegraph to the inquiries in the dispatch; and also at your earliest convenience, with copies of the

appointments of the Indian commissioners concerned? If Commissioner Meacham is not in this city, can you inform me of his present address?

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

The COMMISSIONER OF INDIAN AFFAIRS,
City of Washington.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
June 14, 1873.

SIR: In compliance with your request, I transmit herewith a duly certified copy of the letter addressed by this Office to A. B. Meacham, esq., notifying him of his appointment as a member of the commission to negotiate with the Modoc Indians for an adjustment of the difficulties then existing with them, and giving him detailed instructions in the premises.

The Rev. E. Thomas was notified of his appointment as a member of the same commission by telegram from the Hon. Secretary of the Interior, a duly certified copy of which telegram is also herewith inclosed.

Mr. Meacham is at present in this city and can be communicated with either through this Office or at the National Hotel.

Very respectfully, &c.,

E. P. SMITH,
Commissioner.

Gen. E. C. TOWNSEND,
Adjutant-General U. S. A., War Department.

HEADQUARTERS, LAVA-BEDS, CAL.,
June 17, 1873.

DEAR SIR: The Modoc war is over. The Modoc tribe, except five or six, are captives. Captain Jack and several of his confederates are soon to be tried by court-martial for the murder of General Canby and the peace commissioners. There can be but one verdict or result, viz, the conviction and execution of all those participating in the murder of settlers and peace commissioners. I have spent several days in the lava-beds and the country adjacent thereto. I have investigated, so far as I could, the cause of the war between the whites and Modoc Indians, and from a careful investigation I can arrive at but one conclusion, viz, that the war was caused by the wrongful acts of bad white men.

In the first place, it is charged by responsible parties here, that the Indians were compelled to slaughter their horses for food on the Klamath reservation to keep from starving, and when they had no more horses to slaughter they were then forced by hunger to seek their fishing grounds on Lost River, a tract of land set apart and given to them by the Hon. E. Steele, late superintendent of Indian affairs for California. The land is valuable. Land speculators desired it and sought to have the Indians removed. The Indians say there was but one of two deaths left to them, by starvation on the reservation, or a speedier death by the bullet in the lava-beds. They chose the latter. I am in favor of hanging all those who participated in the murder of the peace commissioners or the settlers, but humanity and justice demand an investi-

gation of the war and its causes, from its first inception. Let us have both sides of the question; let us have the sworn statement of the Indians, which will, I am credibly informed, be corroborated by the testimony of responsible white men. If you have the authority to order it, direct that the testimony of all those who are likely to be convicted and executed be taken. I regret that I have to say it, but I believe that there never was a time since the organization of our Government that there was as much corruption and swindling, not only of the Government and people, but the Indians, as is to-day being practiced on Indian reservations on this coast. Mr. Meacham, and Hon. E. Steele, managed the affairs to the satisfaction of the people and the Indians. I regret that they were not retained as superintendents. I do not know who is to blame, nor do I accuse any particular agent of corruption; but we know that wrongs have been perpetrated, and before launching these Indian chiefs into eternity, let their testimony be taken, that the guilty parties may be found. We have lost many valuable officers and men in this contest; justice demands that if any particular individual or individuals are guilty of inciting the Modocs to war, that he or they should be punished. I am willing, if you can delegate to me the authority, to aid and assist in the investigation of all the causes and charges which may or can be brought out before the court-martial or board, who may be designated to try the prisoners at Fort Klamath. As the Representative of the people immediately concerned, and who have suffered most by reasons of the war, I feel that justice demands a thorough investigation. If I can in any way serve the Government and people in aiding or assisting the investigation, command my services by telegraph at Fort Jones.

Very respectfully, yours,

J. K. LUTTRELL,
Member Third Congressional District.

Hon. C. DELANO,
Secretary of Interior, Washington.

WASHINGTON, D. C., *June* 18, 1873.

SIR: Having been summoned by the judge-advocate to attend the trial of the Modoc prisoners at Fort Klamath, I desire to call your attention to the necessity of having the Indian Department represented at the approaching trial of said prisoners. Believing, as I do, that much valuable information and evidence may be obtained, throwing light on the cause of the late war with the Modocs, it would seem to belong to the "special commission" appointed to report on the cause of war, &c.

Very respectfully, your obedient servant,

A. B. MEACHAM.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *June* 19, 1873.

SIR: I have the honor to submit herewith a communication from A. B. Meacham, esq., dated the 18th instant, referring to his summons to attend the trial of the Modoc prisoners, and to the fact that valuable information may be obtained throwing light on the cause of the war, in

regard to which the late commission, of which he was chairman, was directed to report, and therefore suggesting the necessity of having the Department represented at said trial.

In view of the facts in the case, I respectfully recommend that the Modoc commission, so far as Mr. Meacham is concerned, be continued until further orders.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

WAR DEPARTMENT,
Washington City, June 19, 1873.

SIR: I have the honor to request that you will furnish me with a copy of the instructions issued by Commissioner F. A. Walker to Superintendent Odeneal, relative to the removal of the Modoc Indians to a reservation last fall.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
June 20, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a communication from the Hon. Secretary of War, dated the 19th, and, in compliance with the request therein contained, I respectfully submit herewith a copy of the instructions in regard to the removal of the Modoc Indians, addressed by this Office to Superintendent Odeneal, under dates April 12 and July 6, 1872.

The paper referred by the Department is returned herewith.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
June 21, 1873.

SIR: In compliance with the request contained in your letter of the 19th instant, I have the honor to transmit herewith a copy of the instructions issued by the Office of Indian Affairs to Superintendent Odeneal, under dates of April 12 and July 6, 1872, for his guidance in conducting the removal of the Modocs, &c.

I have the honor to be, very respectfully, your obedient servant,

W. H. SMITH,
Acting Secretary.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT,
Washington City, June 30, 1873.

SIR: I have the honor to inclose, for your information, copy of a telegram of this date from this Office to Maj. Gen. J. M. Schofield, commanding Military Division of the Pacific, concerning the trial by military commission of "Captain-Jack" and associates, for the murder of General Canby, Dr. Thomas, and Lieutenant Sherwood.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1873.

Maj. Gen. J. M. SCHOFIELD,
San Francisco, Cal.:

The Secretary of War instructs me to inform you that, by direction of the President, you will cause no cases whatever to be brought before the military commission except those of the murderers of the three officers assassinated by Captain Jack and his immediate associates; three officers, being General Canby, Dr. Thomas, and Lieutenant Sherwood. And further, to hold in military custody all the other captured Indians, as prisoners of war, to be disposed of hereafter as circumstances may warrant. Acknowledge receipt.

E. D. TOWNSEND,
Adjutant-General.

DEPARTMENT OF THE INTERIOR,
June 30, 1873.

MADAM: In the absence of the Secretary of the Interior, I have the honor to acknowledge the receipt of your communication of the 8th instant, reviewing matters concerning the Modoc war, &c.

Upon the return of the Secretary, your letter will be laid before him for his action.

Very respectfully, your obedient servant,

W. H. SMITH,
Acting Secretary.

MRS. MARY L. BENHAM,
Fort Ross, Sonoma County, Cal.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
July 3, 1873.

SIR: It is possible that it may be found advisable to bring the remainder of the Modoc Indians, between two and three hundred persons, to the Indian Territory, for their future home. They have shown a disposition and some aptitude for agriculture, and could probably, with appropriate assistance, become self-supporting in a country adapted to the cultivation of the soil and raising stock. I desire your views as to what disposition, on this proposed plan, can be best made of them. Is there any tribe in the Indian Territory with whom they can probably be

incorporated with consent, or, if not incorporated, permitted to occupy a portion of the land belonging to said tribe, and be under the care of their agents; or can they be better placed in the Territory and attached to some existing agency? These inquiries are made only in view of the possibility that it may be found necessary for the Department to reach a decision on short notice, as to the disposition of these Indians.

Your early attention and reply are requested.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence, Kans.

DEAR BROTHER: At your request, I subjoin a brief statement of my recollection, knowledge, and intercourse with the Indians since my leaving the east in the spring of 1850. Crossing the plains that summer, while suffering much, with other emigrants, by short feed for my stock and loss of supplies in our train, I had no trouble with the Indians. Others did, but I saw or thought a cause with themselves, or with some that had shortly preceded them for it.

On the south fork of the Humboldt, I, with a Mr. Smith, since dead, went into a large village of Shoshones, to look for a mule belonging to a sick man, lying upon the plains. After considerable parley they allowed us to examine their stock, but we found none to answer the description of the one wanted. We found stolen cattle, taken from a train ten days before, but they claimed the owners of the train had commenced the aggression, and that they had these in retaliation. They treated us well and frankly, and we returned to our train in the evening. This was the only incident within my personal observation while crossing the plains.

On arriving at California, I located in the mines near Shasta City, where I worked with the pick and shovel until January, 1851, when, with Gen. Joe Lane, I came to Scott's Bar, in this country, where I arrived in February of that year.

At the foot of Scott Valley we found a numerous tribe of Indians, who were friendly, and came into camp, and among the rest a young Indian of fine appearance, the brother to the chief we named Jim. These Indians had a custom of wearing beads or ornaments in their noses. A young man of the train had a brass padlock, which, unbeknown to others of us, he locked into the nose of this young Indian in the next evening, who considered it a fine present. The next morning he came into camp, his nose much swollen, and unable to relieve himself of the ornament. He applied to his supposed friend for relief without success, when my attention being attracted to the matter, I compelled his release, which attached him and his tribe to me until this day.

Shortly after that, with a Mr. James McCummings, now living, I think, in Northern Illinois, and another man, whose name I have forgotten, I went on a prospecting tour via Shasta Butte to the western confines of the Modoc country. We passed unmolested through the Shasta Indians, then very numerous, and into the Modoc country, and thence back to Yreka. This was in March, 1851. The term Shasta is, I think, attached to this tribe from their residence in the so-called Shasta Valley, as

Scott's River, Rogue River, &c., is the distinguishing term for those living in those valleys.

When I first came here the Indians inhabiting the lower end of Scott Valley, thence to and up the Klamath River to the eastern line of Shasta Valley, the Shasta, the Yreka, and Rogue River Indians, all talked one language, and claimed to have been formerly under one chief, but were then subdivided into quite a number of tribes; the Scott's Rivers under Chief John, (as we called him;) the Yreka Indians under Tolo; the Shasta's under Scar-Face; the Siskiyou Mountain under Joe and Sam. These names were all given them by the whites. Tip Lie and the Rogue River Indians under Sam.

The Klamath Indians, then known as the La Lakes, inhabiting that district of country around Big Klamath Lake, and north of Klamath River, and west of Link River, talked a language peculiar to themselves, and also understood the jargon. The Modocs, inhabiting the country south of Little Klamath Lake, and around Tule Lake, east of Goose-Nest Mountain and west of Goose Lake, also conversed in a language peculiar to themselves, and knew but little of the jargon; those of the Upper Scott River and the forks of the Salmon River, yet another language; those of Trinity River and Upper Sacramento, yet another. This last tribe were more of the Digger in form and appearance; were very thieving in their disposition; and would commit murder for plunder when they could come upon one by stealth. Many of our people suffered in life and property from them, although by watchfulness I passed very frequently through their country unharmed.

They inhabited, in addition to Trinity and Sacramento Cañon, a portion of McLeod or Loud River and Lower Pitt River, and were as miserable a set of Indians as I ever saw. In June, 1851, the man that went out with Mr. McCummings and myself organized on Scott's Bar a company to go to the Modoc country for horses, and took from these Indians, as near as I now recollect, sixty head, and, as it was reported—but of that I have personal knowledge—some children, which they gave to their friends, for servants. In the spring of 1852, while I was in the lower country, a difficulty arose between the Indians of Lower Scott's Valley, on account of the murder of a white man from Scott's Bar by Indians on Indian Creek, a tributary of Scott's River. A company was organized, and a fight ensued, in which Captain Whipple, now of the Regular Army, received a serious wound in the side. I happened to return home at that juncture, and, in passing down Scott's Valley alone, I found the Indians in great commotion; and, upon inquiry of them as to the cause, hearing their version, told Tolo, Chief John, and others to come to me at Johnson's the next morning for a talk. Getting to Johnson's, I found it surrounded by a stockade, and all the inmates in great fear, and also in wonderment at my coming through the Indians, unharmed. The next morning, agreeable to appointment, the Indians came in; claimed that it was none of their Indians that committed the murder, but a couple of young men from Rogue River, then stopping with the Shastas. They then gave me as hostages, Tolo, Jim, and another Indian, who were to go with a company I should raise to capture the murderers, or, on failure, to be dealt with as I should say was right. With our Indian prisoners or hostages we came to Yreka, where we found the people under great fear and excitement, and it was with difficulty that we could prevent an excited mob from taking our Indians, and hanging them. Next morning, with a few more of my friends at Yreka, with our Indians, we followed in the chase. Proceeding to the cañon of the Shasta River, we found all of the Indians of that branch

of the tribe under great fear, and, after much difficulty, by sending Tolo out as a runner, we got them together on this occasion. A powerful spy-glass which I had, and of which then they had no knowledge, by which I could see their Indians on the hills far off, had a wonderful influence on their superstition, and aided in their control. We remained with them all night, and during the talk learned that they had driven the Indians out that had committed the offense, for fear of bringing trouble upon themselves, and that the aggressors had gone to Rogue River. These Indians proposed to exchange two of their Indians, whom, they said, were acquainted with the passes of that country, for the ones we had, and we to continue the pursuit. Some of our men thought it was mere pretext to avoid the responsibility. but a few of us, ten in all, (one of the number being another Indian, resolved to accept this proposition. Frank Merrit (now with McConnel and Mr. McMannus of Yreka,) Dr. Thomson, (I think, now in the employ of some of the Departments at Washington, D. C., at least he was five years ago,) and General James Bruce of Oregon, are all that I now know the existence of that event with me.

We received two bright, active Indians whom we named Tom and Jack, and released our other hostages and proceeded on our way to Rogue River. On crossing the Klamath River we learned that the whole Rogue River country was in arms on account of a demand made by Old Chief Joe of a white girl for a squaw for his son, and of his threats if the demand was not complied with. At arriving near the foot of the Siskiyou Mountain we met an Indian of that tribe coming over as a messenger to the Shastas to persuade them to join the Rogue River Indians in extermination upon the whites. As we came upon him before he saw us, we readily surrounded him and asked an explanation of his visit, (which was unusual,) and the meaning of his hostile attitude. He refused to talk; when I ordered him to give up his arms and go back with us to his tribe and the Indian agency at Rogue River, which he refused to do; I then told Mr. McGavlin, (now dead,) a powerful young man, to take from him his weapons and tie his hands that we might take him back. Upon Mr. McGavlin's undertaking to do so the Indian wrested a pistol from Mr. McGavlin and turned and shot at me, cutting the mane from my horse's neck, and then fled. He went but a short distance when a bullet sent him home. On arriving at Coles, a short distance above, we found two men that were unarmed, that this Indian had forced to march ahead of him until they came in sight of Coles's house, when the Indian passed around by a circuitous route and left them. We then continued our journey over the mountains. In the night and early in the morning discovered an Indian on the trail, whom we took prisoner and kept with us. On arriving at the Mountain House on the Rogue River side we met some gentlemen on the way to Yreka for aid, and notwithstanding we had ridden all night, at their request we pushed on for the Big Bar, on Rogue River, where it was said the Indians had congregated. Shortly before reaching our destination we met the Indian agent, Judge Skinner, who asked us to pass on, and came at the river until he could come back next morning, in the hopes of adjusting the matter. On our passage from thence to the river we met one of Joe or Sam's sons; I do not justly know which, heavily armed, passing out toward the other tribe. We took him prisoner and held him as a hostage with the other prisoner. On the next day the agent made his appearance. In the mean time one of our Shasta hostages had espied across the river the two Indians that we were looking for. We found at this point about one hundred and fifty citizens of Rogue River on one side and between two and three hundred Indians, all well armed with

guns, on the other side of the river. After a long parley, in which we demanded the two Indians we were after, in place of our prisoners, the agent ordered me to give up my prisoners and all of the white men to stack their guns fifty paces back and allow the Indians to come into council with their arms in their hands. This order I refused for our company to comply with. The Rogue River people stacked their guns, and a large number of Indians came over and were disposed to dictate all the terms of settlement. In a short time it was discovered that they were sheltering themselves within the range of their guns, whereupon the others on our side resumed their weapons, and in a short time the Rogue River Company divided; one division to go on upper-crossing and the other to a lower-crossing, while our company should engage the Indians at that point. As the other companies left, leaving our small company, now increased by three or four from Jacksonville, among whom was Mr. Wm. Burgess, now of Nevada. The Indians assumed a hostile attitude and the fight commenced; we killing thirteen of them and losing one man, wounded, of which he afterward died; we charged so rapidly on the Indians that they broke and ran, and as was supposed dispersed into the settlement in the valley, whereupon the company from that valley immediately started to cut them off and protect the settlers. This left us exposed, and an open plain to cross before passing into a thicket, which the Indians discovered and re-crossed the river with the purpose to ambush us there. Fortunately a gentleman by the name of Clugget, knowing the locality and danger to us, took shelter in the thicket and killed the foremost Indian, which created consternation in their ranks, and we escaped. That night we guarded the family of Mr. Tevault, now deceased, but whose family yet reside in Jacksonville. The next day it was found that the Indians had moved up to the head of Rogue River, and it was arranged for the Oregon volunteers to take their position at the foot of Table Rock while our company, increased to twenty-one, of whom were William Burgess, of Nevada, and George C. Pierson, of Boston Heights, should pass up the river in the night and, if possible, drive the Indians back the next day. Daylight found us at the head of the river, or nearly so, and above the Indians, and we commenced beating the bush and forcing them down until they were forced upon the company below, where the Indians called for a talk, which was had, and satisfactory terms were made without more bloodshed. The Indians we were after had, in the meantime, escaped and started back across Siskiyou Mountains, to join Tip Tie's tribe. My men in the fight captured two Indian ponies. I have been thus prolix in the statement of this affair, inasmuch as for rendering these people this service at that time and at their request, I was branded by this agent Skinner, in an official report, as a leader of a band of horse-thieves, who had come over and made disturbance with Indians then in peace with whites. Then, as I do now, under the charge of Superintendent Odeneal, I held myself in readiness to appear before the district court of the United States, to answer any charge of crime they can present against me. I did and do object to false official reports, or newspaper libels, to blacken my name, with whom I have not the pleasure of a personal acquaintance. But I have digressed. After learning that our criminals had escaped, through our Indian hostages and guides, we struck their trail and started again, in pursuit, our company reducing itself down to its original number. Recrossing the Siskiyou Mountains, we fell in with Ben Wright, who, learning from a squaw with whom he was living that the Indians had taken that course, he, with a band of Shastas, had

started in pursuit and intercepted and captured them. We came in together, and took the Indians to Scott Valley, and there gave them a fair trial, proving their identity by both white men and Indians, and the Indian testimony and their own story. all of which was received in evidence. One was found guilty, and the other acquitted and set at liberty. Our present superintendent of public instruction, Professor G. K. Godfrey, was one of the jury. During our absence the people remained under great excitement, as all kind of rumors were afloat; and our company was so small, and I had started into a country inhabited by hordes of wild Indians, and those of Siskiyou Mountain and Rogue River Valley notoriously hostile and warlike. Old Scar-Face, of the Shastas, learning of the difficulty at Rogue River, contrary to advice given him when we left, had come out from the cañon, appeared on the mountain lying east of Yreka, as the Indians afterward told me, for the purpose of letting the whites know the trouble, as the roads were waylaid by the Indians on the mountains, so that travelers could not pass. As soon as he was seen a wild excitement ensued, and a company started in pursuit. Scar-Face, seeing the danger, fled up the Shasta Valley, on foot, his pursuers after him well mounted. After a race along the hills and through the valleys for about eighteen miles, he was finally captured and hung upon a tree, at what is now called Scar-Face Gulch. His son, Bill, then became chief of this branch of the tribe, as successor to his father, in an usurped authority in the fight, for which he had received the wound in the face, whence the scar, which gave him the title among the whites. Peace was then restored, and all things seemed to be moving on finely, and I with a few others started out to find a trail over the mountains from Rogue River Valley to the coast. This was a very rugged trip, but was finally successful. On coming near the coast we found a band of Indians and squaws gathering berries. We took the Indians as prisoners and held them as hostages for good behavior of their tribe during our investigations. From them we learned that a company had been up by a boat from San Francisco exploring the bay, and had all died, or, as we believed, been killed by the Indians, they wearing some of their clothing. When we started back we took our prisoners up to the top of the mountains, where we thought ourselves safe, and then sent them back, and we returned by the way of Klamath River to Yreka, passing through a great number of Indians, but without any trouble. We had got out of provisions, and when, at the mouth of Salmon River, we made known our destination, to the chief, Euphippa, he took his spear and caught us some fish, but would take no pay. Afterward he came to Scott's Valley to call upon me several times. After my return to the valley the young Indians we had as hostages on the river Heut came and desired to live with and work for me. I took Tom and kept him until about the time of his death, he leaving while I was at Rogue River on business.

In 1854 or 1855 there was one more excitement in Scott's Valley by the whites fearing an attack from the Indians from the fact that they had held a dance and gone back into the hills. Here it may be well to state a custom among all those upper country Indians, which, not being generally understood by our people, has led to much difficulty. It is at the commencement of the fishing season, and at its close they hold what is called a fish-dance, in which they paint and go through all the performances of their dances at the opening and closing of war. They also hold a harvest dance when the fruits and nuts get ripe, but this is of a more quiet character, more resembling their sick dance, when they

try to cure their sick by the influence of the combined mesmerism of a circle of Indians, in which they are in many instances very successful. But to return to my subject. Hearing of the gathering of the whites, and knowing the danger to our people and property if a war was then inaugurated, I got on my horse and rode to the place of rendezvous. After consulting it was determined to fall upon the Indian camp at about daylight next morning, as it was thought that at that hour they could be mostly killed and easily conquered. I returned to my house, took my young Indian, Tom, and started, by a circuitous trail in the mountains, for the Indian camp, and before morning had them all removed to a safe place. In a few days all fears were quieted and harmony restored without the loss of any lives or destruction of property. About this time a young Indian from Humbug Creek, visiting the Scott Valley Indians, had stopped at an emigrant camp and stolen two guns. Word was brought to me; I sent for Chief John, and required him to bring the guns and Indian, which he did. I tied and whipped the Indian, and then let him go. Late in the fall, afterwards, I was sitting near the top of the mountain back of my, then, house, witnessing a deer-drive by the Scott Valley Indians on the surrounding hills, when I heard a cap crack behind me in a clump of small trees. Getting up and immediately running into the thicket, I discovered an Indian running down the opposite slope of the mountain. I returned to my house and sent Tom after Chief John, and from him learned that when he left this Humbug was there. I directed him to bring him to my house, which he did next morning. The Humbug Indian told me it was not the first time he had tried to kill me, but that his gun had failed him, and now that he and all the Indians thought that I had a charmed life. I gave him a good talk, which impressed him much, and then unbound him and told him to go and do well thereafter. He was never known to do a bad act afterward, but was finally killed by the Klamath Lake Indians, about a year afterwards, in an effort to recover some guns stolen from some people on Greenhorn Creek. All these things tended to establish with me a great control over these Indians in these valleys. During this time Judge Rosborough, now our district judge, came up here as an Indian agent, and for a year or more made his home with me. In his whole intercourse with the Indians he was scrupulously careful to do exact justice toward the Indians, and compel a like care by both our people and the Indians toward each other. This led to a better acquaintance on my part with the Klamath Lake and Modoc Indians, who came several times to see him. After that my business occupying my whole time, it was only occasionally that I saw any of the Indians to hold conversation with them, and then only when called upon to settle some difficulty among the tribe, or between them and our people. During this time, and if my memory serves me right, in 1855, the Shastas, for some cause unknown to me, became hostile and took refuge in a cave on the north side of Klamath River, and about 35 miles from Yreka. They then were quite numerous, well armed, and skillful in the use of the gun. Here they repulsed a large company of volunteers, with heavy loss to the whites, and finally two companies of regulars were driven from the field. Learning of the difficulty, and judging the Indians were not wholly to blame, I proposed to Lieutenant Bonicastle, then stationed at Fort Jones, and Judge Rosborough to accompany me, and with Tolo and another Indian to visit their company, and arrange terms of peace. We went and spent two days with them, before arriving at a solution of the difficulty. During this time they several times pointed their guns at us with

a determination to shoot, but as often were talked into a better turn of mind, and finally agreed to go and live at Fort Jones, and remain in peace with the whites. The third day thereafter was settled upon for their removal, when Bonecastle was to send a company of soldiers to escort and protect them. In the next day a white man, who had a squaw at the cave, went out unknown to us and told the Indians he was sent for them, and thereupon they packed up and started for Fort Jones with him, one day ahead of time agreed upon. On their way in at Klamath River, about 20 miles from Yreka, they were waylaid, and their chief, Bill, shot from behind the brush and killed. They kept their faith nevertheless, and came in, when I explained it so they were satisfied. This was known to the Modocs and they talked of it on our last visit to the cave. Occasionally thereafter I was applied to only on matters of trifling moment and easily arranged, until my appointment to the Indian superintendency, in the summer of 1863, for the northern district of California. In this narration I have passed over several Rogue River wars without notice, as I had nothing to do with them; also the Modoc war of 1852, which took place whilst I was away at Crescent City, therefore all I know of that was hearsay; but I know it was generally known that Ben Wright had concocted the plan of poisoning those Indians at a feast, and that his interpreter Indian, Livile, had exposed to the Indians, so that but few ate of the meat, and that Wright and his company then fell upon the Indians, and killed 40 out of 47, and one other died of the poison afterward. There is one of the company now in the county who gives this version, and I heard Wright swearing about Dr. Ferrber, our then druggist (now of Valejo) selling him an adulterated article of strychnine, which he said the doctor wanted to kill the Cayotes. That the plan was concocted before they left Yreka defeats the claim now made for them, that they only anticipated the treachery of the Indians. John Shonchis was one of the Indians that escaped and in late interview then he made this as an excuse for not coming out to meet the commissioners. The story of the Indians corresponds so well with that I have frequently heard from our own people, before it became so much of a disgrace by the reaction, that I have no doubt of the correction in its general details. At the time others, as well as myself, told Wright that the transaction would at some time react fearfully upon some innocent ones of our people; but so long a time had elapsed that I had concluded that matter was nearly forgotten by all, and nothing come of it until the night of my second visit in the cave, when Shonchis would get very excited talking of it as an excuse for not going out. The history of that night you have probably seen as it was given by article B; the Sacramento Record and San Francisco Chronicle, for which paper he was corresponding; he was made wild; he was with me the whole time after. A final peace was made with the Modocs, but the year is now out of my mind; but about 1857 or '58 they came to Yreka with horses, money, and furs to trade and get provisions and blankets. On their way out they were waylaid at Shasta River, as was claimed by Shasta Indians, and several killed, robbed, and thrown into the river. Many of our citizens thought white men were connected with this murder, and it is probably so. The Shasta Indians retreated; they claim that but few of their people were engaged in the massacre, but it was mostly done by the white people, in their negotiations for peace in the spring of 1864 mentioned hereafter.

But to return to the thread of my history. On taking possession of the superintendency in September, 1863, I found the Klamath Lakes, the Modocs, the Shastas, in war with each other, the Humboldt and

Mendocino Indians in war with our people, the few on the reservations naked and dying of starvation, and truly a heart-rendering scene. As soon as possible I furnished them relief; and after the second day, none died of hunger or want,and in a short time I had the Humboldt war closed, the Indians, as far as desired, on the reservation and cheerfully at work, and the next July found the products of their labor equal to all of their wants. For the next year I was legislated out of office by Mr. Conness, our Senator, Mr. Lincoln having refused to remove me at his request. In the spring of 1864, on returning home from a trip to San Francisco, I found my lot adjoining my house south of Yreka (since burned) filled with Indians of the Modoc, Klamath, Lake, Shasta, Scott River, Salmon River, Klamath River, and Sacramento River tribes, numbering several hundred, and awaiting my coming. My wife had been lecturing them upon the best way to live with each other, and with our people, and that they were more than ready to enter into treaties with each other, and with us; the work left for me to do in arranging all matters was light, and two days found all happy and friends; at this time all were so well pleased that they agreed that I should be the chief over them all, and, when any difficulty arose among them, that it should be submitted to me, and my decree should be binding. This proposition came from Captain Jack, the chief of the Modocs, and was cheerfully agreed to by all. I called quite a number our citizens to join in the treaty, and from that day till the outbreak of the war, they have troubled me with their difficulties, which have generally been decided to their satisfaction. After I was removed from office and Roseborough was on the bench, I frequently persuaded them to go to him, as he was the Boston Tyee, and they always looked upon him with great respect. So, among us, we have managed to keep peace until last November. As to the charges through the Oregon papers and the reports of Superintendent Odeneal, that I advised them to leave the reservation, or that I advised them to remain off the reservation, or to resist the authorities in trying to take back, or that I at any time gave them encouragement of being able to cope with the soldiers; or that by any word or act of mine they have been induced to commence or continue the war, or that I am or have a squaw man, or that I have or had half-breed children in the lava-beds or elsewhere, or that I have had intercourse with squaws, or that I was a spy in favor of the Indians, advising them of the movements of troops, or that I advised them or encouraged General Canby, Mr. Thomas, Mr. Meacham, or others to go in the lava-beds to meet Captain Jack and tribe in council, or that I have written letters to Captain Jack or other Indians, or that I ever proposed to marry Queen Mary, or that I ever wrote any letters of the kind certified to by Mrs. Lehira, or that she ever saw any letters from me of the import of the one she certified to, is simply and unequivocally false, severally and collectively, and the authors of these several charges, whoever they are or may be, are low, contemptible cowards, spending time in secret in trying to traduce the character of one they do not know and would not if they should meet him on the street; and further, here, where I have been known for twenty years, they could not find one respectable witness that would make either of these charges, and much less swear to them or any one of them. Now, a few words as to the facts in the cave. Some time after Captain Jack and party had left the reservation, they called upon me, and stated what they had done on the reservation, (all of which has been confirmed to me by Mr. Meacham and others,) and why they left, claiming that, instead of feeding them, they had been obliged to kill

their horses for food, or starve, and instead of a pair of blankets, only one or, as they called it, half a blanket had been given to each of the adults, and but a half of that to each of their children, and those of a very inferior quality; they looked very squalid and poor, more so than I had ever seen them before or since, my advice to them, and always had been, was to return to the reservation, and, further, that the officers would compel them to go. They replied they would not go, and asked why the treaty I had made with them, when I was superintendent of the northern district of California, then supposing the State line included their village, the fishery, was not lived up to. They said they were to give up all the balance of their lands; would ask nothing for it; would take care of themselves, as fish and fowl were abundant there; and that white men's cattle might graze there and they would not disturb them: and that when people came there to cross the river they would assist them. I told them they had made a new treaty with the Oregon agency since I sold their lands, and that done away with the one. Jack said that he did not agree to it, but old Sconfess did; but he was no chief. But he finally went to the reservation, as they made him such good promises, and all his friends wanted him to go; but when he got there he said none of their promises were kept. I frequently urged upon him the power and number of our people, and that it would be folly to resist—all to no response. I have written several letters for him to the settlers, in which I stated his words to them, as he said that there were many that could not talk to him or he to them; and that he wanted them to know that he was determined to be a friend of the white people, and wanted to learn their way of living. Always when he came to town, when I was home, he called and stated his purpose in visiting Yreka, at which time I would advise him not to let his men and women get whisky or remain in town after sundown. That some did remain and did drink whisky is true, but they were generally women that were claimed by and living with white men, either in the vicinity of Yreka or on the frontier, and would come here and would meet with relatives and tribes. I have never known Jack to take a glass of liquor in my life, and I have known him to whip his men for taking it. After trading they uniformly come to bid me good-bye, and ask a letter to pass them back to their country, so that if they should meet strangers they could show them that it was all right, and they need not be afraid. All this put me to much trouble, but for which I received no compensation from any source. As for my being their attorney, it i simply absurd. All my acts were in the cause of humanity, and to avoid, if possible, any collision with our people, as I knew them, and now if properly managed, there was no cause; for one white settler frequently came in from their country and corroborated their stories, and all that I saw gave them a good character. In the fall of 1871, the first time for twenty years, on my return from a business trip to Surprise Valley, in company with Mr. H. C. Tichnor, I came through the country of the Modocs. We had to sleep out one night, which we did at the foot of Tule Lake. In the morning early we started for Miller's, (since killed by Indians,) ten miles distant, to get some breakfast. We found Miller out at the time, but his house all open, and no way to close it up. Miller soon came in, and set about boiling us some coffee. I found he had a good supply of flour, bacon, beef, &c., on hand and in that open cabin, and asked him if the Indians did not steal from him. He replied he had been there several years, and had always left his cabin open in that way day and night, and had never lost anything by the Indians that he knew. That the Indians provided for themselves

by fishing and hunting, and the only fear he had was that the reservation people would try to remove them, and would create a war, in which settlers would be sacrificed; for, said he, they are determined to die rather than be taken back to the reservation; and you know how inaccessible portions of the country are, and if an outbreak should occur it would be a severe struggle, in which many valuable lives and innocent people would be lost. How well he prophesied! And he and Brotherton, both good men, and as good friends to the Indians as any, fell victims to this ill-advised project. Passing to the Indian village we found only a portion of the tribe there; the balance of them went with Captain Jack, having come to Yreka to purchase their winter supplies. The few that were there expressed a fear that the soldiers were coming after them, and wished to know if I knew anything about it. I did not, but tried to quiet their fears, by telling them that the big chief would send a man to tell them when he wanted them to go. Coming into Ball's ranch the like character was given to the Indians as by Miller, and about dusk Captain Jack and company came and camped close by. On their return from Yreka, whilst talking with Jack, he expressed fears of trouble because a white man had come and settled in their midst and claimed their land, and said that he was all the time quarreling with them. I advised him to go to the soldier-chief at Fort Klamath, and get him to furnish protection. In 1872 I came past there again, and found the Brothertons settled near Miller's. Mrs. B. and the children only were at home, Mr. B. and Mr. M. being absent for winter supplies at Rouge River. Mrs. B. then told me that the Indians were very much excited because they had been told they were to be taken back to the reservation. I remained all night. The next morning, before leaving, a squaw came along, and upon inquiry I learned that Captain Jack and his men had gone south, and she expressed wonder that I had not met him. As we did not, he must have turned off at the road and gone to the lava-beds. Shortly before this, Mr. Miller had been to Yreka to procure my professional services in making application for a tract of swamp-land lying near his residence, but which as yet had not been surveyed. I made out his application, and sent to Mr. Varrium, our county-surveyor, in accordance with our laws. After finishing business he spoke on the Indian matter again, and said one Monroe and they were having much trouble, and that Monroe wanted their land and had applied to the Indian Department to have them removed; and that he feared it would cause war; and that the lives of the settlers would not be safe, as they determined not to return to the reservation. He wished to know why, as they were industrious and peaceable, they could not be allowed to take up farms there as others did, and remain. I told him my opinion was they could if they would give up their tribal character, pay taxes, and improve the land. He said that was what they wanted to do. I then told him I would make the application for them to the department and get their answer. I did not immediately sit down to work, as other business was pressing, but thought I should see him the next morning; but before leisure presented he had returned home. Soon afterward the Indians came in and told me that Miller had told them I would ask the big chief to give the land if they would pay taxes, and which they said they would do. I sat down and made the application, and found my observation of the country they actually wanted so limited, and their want of all knowledge of all points of the compass, that I could not make an intelligible application. I had also just received a note from the county surveyor saying he could not go out to make Miller's

survey, and therefore I wrote to Miller the letter that was afterward taken from his house, and by Superintendent Odeneal reported to the Government as evidence of my guilt. The note barely stated that my knowledge was not sufficient to enable me to make out the application, and that I had not required the Indians to pay taxes, and that Mr. Varnum would not go out to make his survey, and that I would have to send to Sac City to get a surveyor appointed, and also asking him to send me by an Indian a description of the land wanted by the Indians. I never received an answer. The war was precipitated too soon, and Miller was not at home as I came by there, but I then found by personal observation that the land desired by the Indians was about three miles long and not over a mile in width, and much of it covered by sage-brush, but with a very superior fishery upon it. At the last interview with Captain Jack I tried to persuade him that he had better go to the reservation, but I must confess that it was as much to avoid the trouble and expense that would fall upon me in getting the land-grant through for them, as from any other motive, as I did not think any reasonable superintendent would try to move them. I yet believe that if Superintendent Odeneal had gone down there instead of sending the soldiers to surprise them in the night, all could have been quietly settled. Now, as for Mr. Odeneal, he has threatened my prosecution. There is a court for the United States for this district located at San Francisco, having jurisdiction of the case. He has the Government to back him in expenses. I have to bear my own and suffer the loss of time. Now, then, if, instead of false reports and libelous articles in the newspapers, he will enter this prosecution, I will agree to ventilate the whole matter, and if I am guilty, I will cheerfully submit to the penalty. At this last interview with Captain Jack, his reply was very determined, that he would not go to the reservation to be starved. I told him of the great number and power of our people, and the futility of resistance, to which he listened with his usual stoical composure, and then replied, "Kill with bullet don't hurt much, starve to death hurt a heap." This was said through the interpreter, Scar-face Charley. In all my intercourse with Indians, I have only talked or held communion with their leading men, and have never indulged in any jesting or sociability with them. When I needed one for a messenger, as I occasionally did, when they were in, by which to send a letter to Mr. Davis or Fairchild, or others on the frontier where there were no mail facilities, I always applied to the chief for a man for the service. Captain Jack talks no English, except the names of a few articles in trade, and no jargon, and, as far as my knowledge of him is concerned, he always brought to the conference an interpreter, and usually for that purpose Scar-face Charley. A word as to the charge of treacherous disposition of this people. This is a charge instituted since the treacherous massacre of General Canby and Mr. Thomas, but before that no one can point to an act of treachery on their part; but on the contrary they were known as a bold and fearless people, warlike, and a dread to our early emigrants and the surrounding tribes, and very punctilious to their word, so far as I have occasion to know. My visit to the cave was at the request of the commissioners, as the Indians had expressed a confidence in me and wanted my advice; and I yet think had it not been for a by-play at that time I could have persuaded them to terms, but they were frightened out of it, by the threat of hanging on the Jacksonville indictment. That desire for revenge has cost us dearly in blood. I went in the cause of humanity at a great sacrifice of my time and at great personal risk, asked no pay for my time, but did expect a return of my cash expenses

but even that has not been allowed by the Indian Bureau. My conscience is clear, and I know the blood of the murdered white men or Indians will not cry out in judgment against me. I only wish that the war was prosecuted by those in person who are so earnestly urging it on from the first, instead of their remaining at so respectable a distance; as the Indians and those men feel, I could see a war go on between them if it could be confined to them and not have my bowels of compassion moved much on either side. The lava-bed is about four miles wide by seven long, and the Indians in these not exceeding 100, men, women and children, and they mean to stay there as long as they can. The location is the most inaccessible of any part of the world I ever saw, and one man fairly secreted in it is more than equal to twenty engaged in trying to ferret him out. As for the generals that have been engaged in prosecuting the war, General Wheaton I have not had the pleasure of meeting, but I think under the very unfavorable circumstances of his attack, the limited knowledge of the stronghold which he possessed, and the few men under his charge, he performed wonders and should not have been superseded. General Gillem I know, and a more gallant gentleman and soldier you will hardly find, and in prosecuting the war he has shown masterly skill. The late massacre I think could not properly be charged upon him, as there were men enough there to defend themselves, had they not been taken by surprise. My advice to General Canby and the peace commissioners on my return from the cave the last time was that all negotiations should cease, until the Indians should become the soliciting party. I told them further that my opinion was that they thought our people afraid of them and that they were carrying on the negotiations with a hope to get General Canby and Gillem, Messrs. Meacham and Applegate, in their power, and in such an event they would certainly kill them all. I thought I could go, no one else could safely, and that I could not be induced to take the risk again. There were plenty of live witnesses to that; yet I also met Mr. Thomas at Yreka, on his way out, when he desired me to accompany him. I gave him the same caution, and told him as well as I knew them, I would not feel safe in going again to the Indians. I went out to see the Indians once after my last visit to the cave, but General Canby and Gillem then felt the danger so great that they were inclined not to let me go; but as parties claimed there was a misunderstanding, I told them I would go to the rendezvous, and if all was right, I would bring them in; and if they killed me it would be only one instead of six or eight. To test the question I went to the place designated, found no Indians or signs; went on about ten miles further, yet found no Indians, and returned about dark, and then returned to Yreka.

YREKA, *May* 26, 1873.

DEAR SIR: The above is a copy of a hastily prepared paper to my brother who had seen the charges in the Oregon papers, and felt much alarmed at it. In it I have only noticed the leading questions, and those falling under my observation. With all the contradictory reports, it will be found my judgment of the purpose of the Indians was uniformly correct. I have been so long on the frontiers, and have seen the Indians in their native, disgusting state, that I have no special regard to them, further than making out justice, and I have none of the poetry entertained by many that do not know them. The Modocs are generally a whiter tribe of Indians than any other I have met with. Captain Jack is very dignified generally, and is a full-blood Modoc. Scar-face Charley is one of the Rogue Rivers, of Tipue Tie's tribe, ex-

tinct. I have just arranged at the suggestion of a member of Congress, Luttrell, for all of the straggling Indians of various tribes surrounding us, which so much newspaper panic has been created, to go to Fort Jones, military reservation in Scott Valley, and remain under supervision. They are highly pleased, but they have been under great fear ever since the Modoc War broke out, and were nearly starving, from the fact that they dare not hunt, fish, or dig for roots from fear of both whites and Modocs. They desire a tract of country between Scott and Shasta Valleys called Moffel's creek, a valley about twelve miles long and half mile wide, and that they have a little assistance of seeds and tools, and allowed to take care of it themselves. The application of one of the appropriations that has been made for the Shastas, but of which they have never received a dollar, will be all that will ever be required if they have no white men put over them. They are industrious and know how to farm; one of the tribe has here a farm of 200 acres enclosed on the north side of the Klamath River, and I have advised him to stay there. He has his house logs out, quite a number of fruit trees growing, and is very ambitious, and this example inspires the others. Were I even in moderate circumstances, so that I could offer to go out and teach them occasionally, I could do much good; but I am not thus favored.

Very respectfully,

E. STEELE.

To ULYSSES S. GRANT, *President of the United States of America:*

RESPECTED FRIEND: In behalf of the "Universal Peace Union,' having for its objects the abolition of war, and the promotion of peace and good-will to all mankind, irrespective of sex, color, tribe, or clime, we appear before you on this occasion, especially to speak in behalf of a conquered people who are without schools, newspapers, post-offices, telegraphs, the mighty instrumentalities which characterize a high civilization.

Emerging as the people of this great nation now are out of a bloody and expensive civil war, settling, as your administration has, vast and important international questions by patient and peaceful arbitration through the late Joint High Commission, we are encouraged to hope that through you, as the Executive Head of the nation, there may be a settlement of all the difficulties between the Indians on the one hand and the people of the United States on the other.

Some of us who now appear before you are of the Society of Friends.

It has been their earnest and continual desire to follow closely in the spirit of him who said, "Blessed are the peace-makers;" who taught mankind to observe the Golden Rule, and declared, "The son of man is not come to destroy men's lives, but to save them"—all of which you have so strongly expressed in the words, "Let us have peace."

In the noble example of William Penn, we have been taught lessons worthy of universal imitation. Especially was he careful that no injustice should be done the uncultivated people who were in possession of the lands whereon he desired to found a colony by deeds of peace, and where he began to build the city of Philadelphia, from which we come to make known to you our wishes in respect to the future treatment of the conquered Modocs by the United States Government.

However false, cruel or treacherous the Indians may have been, who

are now in the power of the army of which you are the commander in chief, we ask that they may not be brutally treated, and that your "peace policy" be not departed from. Among them are defenceless women and innocent children. Should their husbands, fathers, and brothers, be taken from them, they must of necessity suffer with them. God hath made of one blood all nations of men to dwell on the face of the earth. Connected as the members of the human family are by maternal, paternal, filial and other ties, "if one member suffers, all members suffer with it."

. Accepting, as we trust you do, these thoughts, taking them as we do to our hearts, the love of God and the love of man constrain us to plead with you and to encourage you to deal considerately and mercifully with the Indians now held by the strong arm of military law.

We hope there is in many of the hearts of this great people a sufficient amount of Christian love to institute a system of measures by which these children of the forest may be educated and civilized.

With the vast wealth at the disposal of this Government, with the extensive, uncultivated, and unappropriated lands that may be used for the promotion of works of love and beneficence, we in all sincerity ask that our Peace Society may be afforded a full and fair opportunity to see what may be done with the "weapons of our warfare, which are not carnal, mighty through God to the pulling down of strongholds."

We feel confident that were pure peace principles applied in the case of the persons in whose behalf we address you, it would show the civilized and uncivilized worlds that there is in the soul of man a far mightier and more enduring power than any of the nations of the earth have yet brought into use.

We improve this opportunity to affirm that in the judgment of our society, to the extent your "peace policy" has been regarded and carried out, and when distinctly separated from its opposite, it has been eminently successful; and in its behalf we render you the gratitude of our hearts, and in view of your past administration we are encouraged to ask for further efforts on your part in peaceful directions.

As it has been in the past, so it remains in the present, a privilege and satisfaction to approach you on matters that are very close to our consciences. Feeling that you will appreciate our desire to do everything in our power for the good of our country, and the welfare of our fellowmen, we submit that in the trial of the conquered Modocs few of the citizens or soldiers on the Pacific coast are in such a frame of mind as to dispassionately prosecute it; and in case of conviction there will be haste and unfeeling executions, which we most earnestly desire to prevent.

And we furthermore desire to speak early, before any conviction, in behalf of executive clemency, which we trust you will interpose in such an event; and it will, in our estimation, redound to the glory of our country and its civilization, and the honor of your administration, if no execution of the Modocs takes place.

We are aware that you cannot do all your generous heart may desire, because of the limitations and responsibilities which necessarily attach to official position; yet we feel sure that just and merciful recommendations and generous suggestions, proceeding from the President of the American nation, will find a response in the hearts of mankind.

We are sure that a magnanimous use of the powers vested in you will be welcomed and approved by thoughtful persons abroad, who look to our young nation to begin and carry forward a work of justice, love

and peace, which cannot with equal ease be now commenced by the older nations.

Should the now conquered Indians be in a measure civilized by your administration, it would mark one of the grandest epochs in the history of nations, and would be hereafter commemorated with the Geneva arbitration, and associated with the spirit that liberated the leaders in the late rebellion. It has been regarded as a pillar of strength that after the recent war there was not a single execution of the imprisoned and subjugated confederates.

Be assured that in the furtherance of any and all peace measures, whether as regarding this tribe of Modocs or any other, you can count upon our hearty sympathy and co-operation.

ALFRED H. LOVE,
President.
LUCRETIA MOTT,
Vice-President.
T. ELLWOOD CHAPMAN,
Treasurer.
HENRY T. CHILD, M. D.,
LYDIA A. SCHOFIELD,
Secretaries.

PHILADELPHIA, *Seventh month*, 12, 1873.

KLAMATH AGENCY, OREG., *July* 8, 1873.

Hon. E. P. SMITH,
Commissioner of Indian Affairs:

I have to report my arrival, on the 5th instant, at this place. The military commission to try Modoc prisoners will probably conclude its present labors within a few days. All the witnesses have testified, and Captain Jack will conclude his "statement" to-morrow.

The ruling of the commission excludes all irrelevant evidence not strictly touching the assassination. Wide range is allowed prisoners in making statements. Nothing new, however, has been brought out implicating outside parties in either the matter of assassination or of the origin of the war. Having no authority to examine witnesses, I am not in condition to accomplish very much in the matter of obtaining reliable information touching the rebellion of the Modocs.

I have received letter of June 21 in relation to funds, but none containing instruction or authority to investigate. I will remain here a few days after the military commission closes, and, unless otherwise ordered, will then visit my home in Salem, Oreg.

The public are dissatisfied with the present understanding in regard to Modocs who were taken into service of General Davis on promise of protection and pardon. These four are really very bad men. The statement of prisoners on trial confirms the assertion. You will understand doubtless that the few men referred to are not on trial. Neither are they confined nor ironed, but enjoy the liberty of the camp at Fort Klamath. I have no positive information on the subject, but doubt not the civil authorities will make a demand on the military for two at least of the four exempt Indians. Serious questions will probably arise, as I am of the opinion that the military authorities will feel bound by the promises made to the Modocs referred to to protect them from trial. I do not

believe they should be allowed to escape trial and punishment unless the promises were made by the knowledge and approval of those having full authority in the premises, and even then it is unjust.

Very respectfully, your obedient servant,

A. B. MEACHAM.

OFFICE OF INDIAN AFFAIRS,
CENTRAL SUPERINTENDENCY,
Lawrence, Kans., Seventhmonth 8, 1873.

Hon. E. P. SMITH, *Commissioner:*

I am in receipt of Bureau letter of 3d instant, informing of the possibility of establishing the Modoc Indians (two to three hundred in number) on new homes, either incorporated with some tribe or on a reservation by themselves, adjoining some agency, and under care of same, within the Indian Territory, and asking the opinion of this office thereon. The unoccupied lands of the Indian Territory are ample, and admirably adapted in climate, soil, delightful rivers and creeks, timber and pasturage for pleasant settlements of such tribes as are not permanently located. I would be pleased to have the Modocs occupy some portion thereof, where the white settlers would not be permitted further to follow them. If the consent of the Confederated Peorias and Miamies can be had, a beautiful home could be made for them on the western portion of the Peoria land, bordering the Neosho River and State of Kansas. If the Peorias should decline to part with the amount required, a tract adjoining, owned by the Quapaws, could well be disposed of, as they will never improve the amount they own. This location would afford the Modocs the best surroundings to advance them in civilization, and would be under the care of Agent Jones, where their children would have good school advantages. If unsuccessful here, a tract directly west of the Sac and Foxes, to be included in that agency—or adjoining and west of the Pottowatomies—would make good homes for them. I am, however, of the opinion, if possible, that the first-named location would be best, both for the Modocs and the owners; and desire that all the former may find there a home.

Respectfully,

ENOCH HOAG,
Superintendent.

DEPARTMENT OF THE INTERIOR,
Washington D. C., July 9, 1873.

SIR: Referring to your letter of the 19th ultimo, submitting a communication from A. B. Meacham, esq., dated 18th June, relative to the necessity of having the Department represented at the trial of the Modocs, &c., and your recommendation that the Modoc commission, so far as Mr. Meacham is concerned, be continued until further orders, I have to say that Mr. Meacham's appointment as a member of the peace commission, above referred to, will be continued until he shall have time to prepare his report.

It must be distinctly understood, however, with regard to the other commissioners, that their connection with said commission terminated

with the happening of the events which rendered further efforts at establishing peace unavailing, and that no compensation is due them subsequent to that date. (The letter of Mr. Meacham is herewith returned.)

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
July 12, 1873.

SIR: In accordance with the recommendation of this Office, under date of the 19th ultimo, the Hon. Secretary of the Interior, by his letter of the 9th instant, complied with your request of the 18th ultimo, that your appointment as a member of the Modoc peace commission be continued until you shall have time to prepare your report.

The Hon. Secretary desires it to be distinctly understood, however, with regard to the other commissioners, that their connection with said commission terminated with the happening of the events which rendered further efforts at establishing peace unavailing, and that no compensation is due them subsequent to that date.

Vesy respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

A. B. MEACHAM, Esq.,
Fort Klamath, Oreg.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
July 16, 1873.

SIR: I have received your communication of the 8th instant, in response to Office letter of the 3d instant, relative to the probable location of the Modoc Indians in the Indian Territory.

You state that if the consent of the Confederated Peorias and Miamis can be had, a beautiful home could be made for the Modocs on the western portion of the Peoria lands, or that an adjoining tract might well be disposed of by the Quapaws.

In view of the foregoing, you are directed to ascertain and report upon what conditions the Peorias and also the Quapaws will be willing to receive the Modocs.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence, Kans.

MEMORIAL TO U. S. GRANT, PRESIDENT OF THE UNITED STATES.

At a public meeting held in Cooper Institute, June 30, 1873, by unanimous consent a memorial was adopted as the sentiment of the meeting,

and a committee of John Beeson and the Rev. Elijah R. Swachhavner, and the Rev. William Williams, were appointed to present the same to President Grant, as follows:

Your memorialist respectfully represents that he is in possession of important facts relative to the Modoc war which are not mentioned in the public dispatches of either the civil or the military authorities; and it is because of this omission by the governor of Oregon, in his demand for the trial and punishment of the captured Modocs as murderers, and because of the unseemly haste of Governor Davis to hang them, as though Indians alone were guilty, that lawless men have been encouraged to attack and kill and rob the Indians in Montana, Wyoming, New Mexico, and Arizona; in these Territories several hundred Indians, including women and children, have been recently slaughtered, and their property stolen; and a general vindictive feeling, which permits such outrages, is now prevalent, in utter discordance with the highly approved sentiment, "*Let us have peace*," with which your administration so nobly began.

Your memorialist begs leave to present some of the facts which he has gathered, partly from personal observation and partly from the local papers published in Oregon and California nearest the scene of the Modoc war, in which he will give ample and authentic testimony to show that the so-called Modoc war with its sad results was owing to the conduct of the whites and to the failure of the Government to fulfill its treaty obligations, and that, therefore, the trial and punishment of the Indians are a farce and a tragedy, the truthful history of which our posterity will blush to read.

Captain Jack represents a community or nation that owes no allegiance to the United States, except what is implied in treaty stipulations, in accordance with which the Modocs were induced to vacate their lands around Tule Lake, with abundance of game and fish, in exchange for a section of country far less genial in climate and comparatively sterile in soil, for which the Government was to subsist and protect and educate them in the arts of civilized life. The Modocs complied literally with every item in the treaty, while the Government failed in the most important particulars. In consequence, the Modocs were compelled, by starvation, to return to their primitive inheritance, and to depend upon their own skill and courage in war for its possession; but they did not commence war until a company of desperadoes stealthily surrounded them in the night and fired upon their camp.

Neither have they committed any act during the war which can characterize them as "savages." They warned the white settlers that they might stay upon their land in peace, but if the soldiers came to force them back to the reserve they should then drive them away or kill them. When compelled to this last resort they scrupulously avoided killing women and children, thus giving an example which white men ought to follow.

In a published letter of the Hon. J. R. Luttrel, member of Congress from the third California district, addressed to Commissioner Smith of the Indian Bureau, "after visiting the scene of war, I am able to arrive at only one conclusion, namely, that the war was caused by the wrongful acts of bad white men. The Modocs were compelled to slaughter their horses for food; and having exhausted this means of subsistence, were then compelled to seek the hunting and fishing grounds of their old home." Mr. Luttrel urges an investigation of the causes of the Modoc war, and regrets to say "that there never was a time since the organization of our Government when there was so much corruption and

swindling, not only against the people but against the Indians, as is practiced to-day upon their reservations."

The editor of the California (Yreka) Journal of February 20, 1873, says, that in a conversation with A. B. Meacham, (formerly Indian agent and one of the peace commissioners,) he was informed "that the Modocs were kept out of the Government appropriations, and that they were robbed of the fruit of their labor, and that when they applied for redress to their agent they were driven away with abuse, and that if he (Meacham) was a Modoc he would fight to the last rather than return to the reserve."

It is the humble opinion of your memorialist that testimony like this is proof that the Modocs had more occasion to proclaim their rights, and "to pledge their life and property and sacred honor," in resistance to tyrants, than our fathers had; and, therefore, we cannot punish or even blame them for doing that for which we praise our fathers every fourth of July.

There are also equally important facts which should be duly considered in connection with the so-called "treachery and murder of General Canby and the Rev. Mr. Thomas," for at that last fatal interview the Modocs simply asked for a place whereon to live. Canby refused this reasonable request and demanded unconditional surrender, which was, in the Indians' mind, equivalent to dishonorable death.

The so-called peace commissioners were under Canby's control, and were one-sided in their work. Therefore, to the Modoc view the whole affair was a strategy to entrap them, for which General Sherman says "all the military arrangements were made to enforce obedience." A band of Indians, equipped as soldiers, stood ready to destroy them, and the Army were surrounding them to prevent their escape, and the governor of California had commissioned sixty sharp-shooters to cut them down. Not only had Indians been repeatedly put to death on surrendering, but even when assembled, by invitation, to make a treaty of peace, the father of Captain Jack, with a number of his chiefs, were treacherously murdered, and the murderers were honored for the deed. So, if Canby and Thomas had met as a peace-commission, invited by the Indians for that purpose, and were then, by treachery, put to death, it was, in the Indians' view, but a just retribution for the white man's previous act, which the "Great Spirit required," their religion enjoining on the survivor of a murdered kinsman to avenge his death or else be considered as a party to the wrong. But, in addition to this, under the circumstances it seemed to them that there was no alternative but for them to kill or be killed, and that the statement in a published letter of the son of the slain minister, "that it was the white man's, and not the Modoc's fault, that my father lost his life," is equally applicable to the death of General Canby; and the subsequent murder of the captured cripples, even while under an escort of United States troops, together with the hurry of General Canby to hang the captives, proved the correctness of Captain Jack's appreciation of his own position. Therefore, to subject the fate of the Modoc chief to the decision of a military or any other commission, chosen from the party in the wrong, cannot be otherwise than extremely unjust. The fact is, there seems, to your memorialist, only two ways by which an equitable adjustment can be made.

1st. By an arbitration similar to that which settled the Alabama difficulty between America and England; for, in the eye of justice, might gives no right to oppress the weak.

2d. Magnanimously confess that, as a people and Government, we

have done wrong, and restore the surviving Modoc chiefs and people to their rightful home; and as far as possible make restitution for the wrongs which we have done to them by thorough protection, with ample facilities for progress in arts and science, and honorable commercial relations with mankind at large.

Your memorialist feels the importance of following this course, not only as a matter of justice for the Modocs, but for all the Indian tribes, and also as a necessary means to counteract the demoralization of public sentiment which a long course of wrong-doing has induced. For we stand charged before the civilized world, by the testimony of our own witnesses, with having been unjust, and that it was stated by General Sherman and his associate commissioners, five years ago, that this injustice has been the cause of all the wars which the Indians have ever waged against us.

When monopolists dispossess Indians of their land, or when swindlers defraud them of their annuities, and in consequence they become restless and dissatisfied, it is forthwith proclaimed that they are preparing for war; and instead of investigation and redress, chastisement and additional outrage is the general rule.

And in conclusion permit me again to use the excellent language contained in your first inaugural address: "Our superiority of strength and advantages of civilization should make us lenient toward the Indians. The wrong already inflicted upon them should be taken into the account and the balance placed to their credit."

Do this, sir, and it will be the crowning glory of your life; and your memorialist believes that God in heaven and every right-minded human being on the earth will bless you for the deed.

Your memorialist, therefore, respectfully prays that all existing difficulties, and all which may occur with the Indians, may be settled by commissioners chosen by "The National Association to Promote Universal Peace" and by the tribes whose interests are concerned, and that no agent or employé of any kind be sent among the Indians whose moral and intellectual faculties do not transcend the animal and selfish, and are proved to do so by all the proclivities of a previous life.

Respectfully,

JOHN BEESON.

JULY 18, 1873.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
July 21, 1873.

SIR: Referring to the letter of introduction addressed to you by this Office, under date of the 1st instant, I transmit to you, herewith, for your action, copies of certain papers relative to the affairs of a portion of the Indians within the limits of your district.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

E. C. KEMBLE, Esq.,
United States Indian Inspector,
San Francisco, Cal.

[From the New York Star, Wednesday, July 23, 1873.]

INDIAN AFFAIRS—NOTICE FROM THE AMERICAN INDIAN AID ASSOCIATION.

The American Indian Aid Association propose to publish a series of dissertations on the character, manners, and customs of the American aborigines; the general misapprehension of the same by the American people, and consequent injustice and false policy pursued by the latter, consisting of—

1. A review of the military proceedings with the Modoc Indians since their appeal of the 15th of May last; the ridiculous farce of administering justice by erecting the gallows by General Davis before the trial begins; the unprecedented reading to the accused Modocs their indictment and sentence of death from the same paper; conclusive proof that the indictment consisted of a tissue of falsehoods from beginning to end; a change of venue demanded; a protest against the execution of Captain Jack, or any other Indian, by virtue of the verdict of any court-martial organized by General Davis; any execution by virtue of any trial in which the original causes of the war and death of Canby and Thomas are ignored, denounced as murder, and all persons indorsing or approving of the same as accomplices.

2. The fallacy of assuming that the extinction of the Indian race is owing to manifest destiny.

Their hygienic and dietetic customs and habits so far superior to ours that we need only to adopt them to get rid of a long list of diseases which no amount of drug-treatment can remove. The consequent better health and greater longevity of Indians than white people. Their extinction mainly owing to the cruel cupidity of the white people, and the blundering method of trying to civilize them by offering them civilization on the implied condition of their abandoning their religion for ours, and their tribunal and communal mode of life for our selfish and slavish isolated mode of living, neither of which is necessary; and, rather than do either, there is strong proof that every adult uneducated Indian would prefer to die and go to his spiritual hunting-grounds.

3. The moral and religious character of American Indians, as seen in their liberal treatment of the first settlers and continued liberal divisions of lands.

General liberality to strangers and each othe

Their strict observance of treaties with our Government, which, if broken, is first done by the white people.

The good order and absence of crime, although without courts, sheriffs, constables, or police. Every Indian can assume the position of sheriff and execute murderers; but it is easy to see that if such a polity were adopted by us, we should soon be overwhelmed with anarchy and bloodshed.

The christianization and civilization of the Indians on the old plan a failure. Under it they have dwindled from twelve or fourteen millions on this continent in the beginning of the sixteenth century, down to about two millions at the present time, and from 400,000 in 1850, down to 300,000 in 1870, in the United States. At this rate it will only take about sixty years to civilize them all out of existence.

One hundred and twenty-eight thousand seven hundred and fifty dollars paid, and nine years' missionary labor performed, to convert one tribe, and their chief declared not a convert made. Over two hundred years' missionary labor among two tribes, seven-eighths of whom flee

to the western wilds to enjoy their aboriginal customs, while one-eighth remain; but there are strong proofs that there is not a solitary Christian among the whole of them.

Indians the only people on this continent that practice the most essential and stringent doctrines of Christianity.

Hence it follows that we stand in more need of missionaries from them than they need missionaries from us. A most respectable clergyman, who had devoted much money and a large portion of his life in labors of charity and humanity, after visiting Indian missions, declared that, if he had his way, he would break up every Christian mission among the Indians. But we take a more hopeful view of the matter.

In our next we shall propose "a new method of civilization," in which, among other measures, we shall propose, on certain conditions, to retain the present denominational missionaries to teach those arts and sciences a knowledge of which is essential for the protection of Indians against the evils of civilization, as well as his capacity for reaping its blessings. The Grant policy and Quaker supervision demonstrated to be a great improvement. Also, for Indian co-operation, tribal associations, as models for instructing white Christians how to live out the self-denying doctrines of their religion.

PHILADELPHIA, *Eighthmonth* 2, 1873.

RESPECTED FRIEND: When we hear rumors of the condition of the Modocs, we turn to you in the confident hope that our Government will so manage the matter that their lives shall be saved.

It is considerable help to our cause to have a delay of action. Time cures all things, and even now there is little, if any, bitterness against these Modocs. The people see the cause, and a reaction has taken place.

Our recent meeting with the President, when we presented him with an address, which we desired should be sent to you, and which I trust you have seen, gave us reason to believe that you would so manage this delicate matter as to maintain the humanitarian character and true grandeur of the present administration. Surely we are strong enough to permit these persons to live; and let it never be said that this Government has taken the lives of those who have surrendered and are peaceably disposed.

We may find places for some of these Modocs where they will, in a measure, be absorbed—that is the best thing to do—by education, &c.; it is carrying out President Grant's idea, I think.

I clip a notice of last evening's public meeting, which appeared in our papers. It shows the feeling here.

Again hoping you will spare the lives of these Indians, I am your assured friend,

ALFRED H. LOVE.

HON. COLUMBUS DELANO,
Secretary of the Interior, Washington, D. C.

A series of resolutions setting forth that the society hailed with cordial satisfaction the passage in the house of commons of the motion of Henry Richard, that negotiations be opened with all the nations of the world for a general system of arbitration, and that we earnestly commend the movement to our Government for its speedy adoption, and further commend the establishment of a national academy for instruction in the laws of arbitration, to qualify our people for the duties that may fall under a general system of substituting arbitration for war in the settlement of difficulties.

The President was conjured to save the lives of the Modoc prisoners, and the action of the officers commanding the steamship Virginius was strongly deprecated for furnishing the Cuban insurgents with deadly weapons in opposition to our neutrality with Spain.

It was further resolved that until those persons who made the murderous attack upon the Modoc prisoners shall be arrested, it behooves the American Government to reserve action upon the survivors of the Modocs, and not treat one more harshly than another. The resolutions were adopted.

Remarks bearing on and favorable to the subject of international arbitration, were made by Alfred H. Love, Dr. Childs, and John M. Spear.

Mrs. Katherine Spear read several editorials clipped from the principal newspapers of the country, showing that they strongly seconded the action of the house of commons in this movement.

It was then agreed to circulate for signatures a paper petitioning the national Senate and House of Representatives to take immediate measures to second the movement inaugurated by the house of parliament of Great Britain, and promulgated by the Queen, for conferring with the various governments of the world on the subject of international arbitration, believing that the successful carrying out of this measure will tend to the security of life, liberty, and the pursuit of happiness, and a more perfect international union; will promote economy, commercial intercourse, universal justice, and the general welfare; and while it will be the most potent common defense, it will tend to insure national and international tranquillity, and establish "peace on earth and good will to all mankind."

Dr. Childs stated that during the day three representatives of a colony of four thousand Russians met some of the members of the society in regard to the selection of a location for this colony.

These people, he said, were very peculiar. They never quarrel, and object to war. They live, several families together, and never offer opposition to a person who takes their property.

One of the representatives stated that they never were robbed of anything, and that not any of them had ever been in court.

They compel their children to go to school, and allow them only to be taught by males.

Before returning to their native country they will visit the President, to learn whether the colony can be exempt from doing army service.

After other remarks had been made the meeting adjourned.

LO THE POOR INDIAN!—WHAT THE AMERICAN AID ASSOCIATION IS DOING FOR HIM—THE CASE OF THE MODOCS—AN AGREEMENT AND AN APPEAL.

Some months ago there appeared, first in the Eagle and afterward in New York papers, an appeal from the American Indian Aid Association in behalf of the aborigines in general and the Modocs in particular. The further statement is now made by the society.

On the 15th of May last the nation at large was most violently exasperated against Modoc Indians on account of their causing the death of General Canby and Dr. Thomas. Most people were for exterminating the Indians in general, and with a few exceptions our military generals, the clergy, press, and even the board of peace commissioners advocated the wiping out of the Modoc Indians at any rate.

In our appeal we endeavored to expose the gross misrepresentations of those Indians, with which the public journals were filled, and also some of the atrocious wrongs perpetrated against them by the white settlers for the past twenty years.

We opposed their surrender to State authorities, on the ground that by treaties and various other ways we had recognized the Indian tribes as independent nations, which fact should exempt them at least from State and territorial jurisdiction.

We also claimed that the underlying causes that prompted the Modocs to kill General Canby and Dr. Thomas was their continued wicked treatment by the whites, and especially the violation of the flag

of truce in 1852, and fiendish slaughter of eighteen Modocs, including two chiefs, by Captains Ross and Wright.

Our appeal was published in the journals, as extensively perhaps as we could expect, in view of the unpopular ground taken by us. We are now most happy to announce to those who have not kept track of this case, that a long-needed and most righteous decision has been made by the United States Attorney-General, Williams, that by treaties and various other ways we had recognized the Indian tribes as independent nations, by which they are exempt from State and territorial judicature; and we now call upon the friends of justice and humanity to see to it that this decision shall henceforth be the law of the land, inasmuch as said decision does for the red men substantially what President Lincoln's emancipation proclamation did for the black men.

We also call upon the friends of humanity never to forget the noble stand maintained by President Grant and Secretary Delano against the unprecedented influence brought from every quarter to bear against the defenseless Modocs, and that President Grant has thus far saved them from the long-known merciless authorities of Oregon, as well as the senseless and blundering jurisprudence of Gen. J. C. Davis, the fallacy of which, (in accordance with our programme published July 23) we will now proceed to expose. In his judicial paper dated June, 1873, of threefold capacity, viz, of complaint, indictment, and sentence, he says to the accused:

That ever since the white man began to travel through or settle in the country occupied by them, the Modocs have been known as a merciless band of robbers and murderers. Even among your Indian neighbors you are known as a domineering and tyrannical tribe. Old settlers in the country report as many as three hundred murders committed by your people, &c., &c. For these many crimes no adequate punishment upon the guilty, even as a tribe or individually, &c. A few years ago, regardless of these acts of treachery, the Government gave you a reservation of land for a home, where, if you chose, you could have remained and enjoyed the annual bounties of the Government unmolested, &c. You all went upon the reservation and part of your tribe has remained; but you and your band seemed to have preferred the war-path. You left the reservation, you spurned the kindness of the Government, and even resisted the soldiers in the execution of their duty in forcing you to the reservation, &c., &c. Now that I have recounted your history and that of your tribe, the recent acts of yourself and band, I will close this interview by informing you that I have this day directed that you and your confederates, members of your band, be executed at sunset to-morrow, &c. While I was preparing a list of those I intended to execute a courier arrived from Washington, saying, "Hold the prisoners till further orders."

As no trial was deemed necessary, the general, it seems, deemed it also unnecessary to state the day of the month when this extraordinary paper was issued.

To prove that this paper was made up of a tissue of falsehoods, we now offer the statement of Mr. Thomas K. Cree, secretary of the board of Indian commissioners, of April 21, who says:

That only sixty out of three hundred and eighteen Modocs ever assented to the treaty of 1864; that the balance, with Captain Jack, refused to go on the reservation under that treaty; that, in 1869, Captain Jack and his band were presuaded to go on certain conditions, but which were most shamefully broken by the agents; and, after suffering on the cold, barren mountains, and being reduced to starvation, they were compelled to return to their home; that the Modocs were not thievish or mischievous, and gave no trouble to the white people so long as they were allowed to remain in peace, &c.

A gentleman in this city, with whom we are well acquainted, assures us that he has known Mr. Thomas K. Cree from childhood, and that he knows no man in whose veracity he would put more confidence than that of Mr. Cree. For further evidence of the falsity of General Davis's charges we are obliged for want of room to refer to the full report

of Mr. Cree, published the 22d of April last, and also to our appeal published the 21st of May last. The following questions pertaining to this case have been submitted to four practicing jurists of this city, with their opinions appended.

1. General Jefferson C. Davis having read to the Modoc prisoners a paper containing the complaint, indictment, and sentence, and also begun to erect a gallows for the execution of the prisoners before, and evidently without intention of, a trial, would the law decide him competent to organize a court-martial? They all say no.

2. Would the law decide his subordinate officers (they having approved of Judge Davis's course, and thereby formed an opinion against the prisoners) a competent court? Three of them say no.

3. If our Government has been in the habit of allowing our military commanders to violate the rules regulating the use of flags of truce, as in the published cases of General Harney in 1854 at Ash Hollow, resulting in the slaughter of over three hundred Indians, the case of General Jessup in the Seminole war, the massacre of the Indian chief Pawpaw May, also another chief named Anatchin, hung by Colonel Wright without trial after voluntary surrender in Oregon in 1858; also about two dozen Nez Percés, some only accused of stealing, hung by said Wright without trial; also the slaughter of eighteen Modocs by Captains Wright and Ross in 1852, and finally, as is said, by General Canby in taking eight instead of six armed men, as agreed upon, and contracting his cordon of troops during the truce, was Captain Jack and his party still bound by the truce according to the laws of war? One or two say yes, the others say no, and that Captain Jack and his comrades had a perfect right to do as they did. The stratagem practiced by one party thereby becomes lawful for the other.

4. The United States Attorney-General, Williams, having decided that our Indian tribes are to be treated as independent nations, so far at least as to be exempt from State and Territorial judicature, are the Modoc prisoners subject to military or the United States civil courts? They all unanimously agree that no military court has any authority in law to try the prisoners. The civil court of the United States is the only court having lawful jurisdiction.

As precedents, we refer to the patriot war in Canada in 1837, where our citizens, captured during hostilities, were tried by court-martial and shot. But after hostilities had ceased, the remaining prisoners were tried by the civil court, and some were transported. Also the case of James J. O. Kelly, in Cuba, whose trial by court-martial was protested against, even during hostilities, by the British consul, and he was sent to the civil court in Spain.

From the foregoing it is quite evident that no military court has jurisdiction in this case. It is equally evident that in the trial at Fort Klamath, ending about the 9th of July, the original and real causes of the war, and the death of Canby and Thomas, were entirely ignored, in obedience to public opinion in that region, showing that an impartial jury trial could not be had there. We suggest that as the present party in power are not responsible for any of the violations of the flags of truce that we have referred to, (they all having occurred under old pro-slavery administrations, unless that under General Canby, the blame for which, if true, we suspect, should be charged to his subordinates,) that the present administration preserve the comparatively clean record of the republican party by declaring a general amnesty for the Modocs and their white aggressors, liberating the former and disposing of the Modocs as we suggested in our appeal of the 15th day of May last. Or,

if the prisoners are to have a legal trial, and further imprisonment, then, in behalf of justice, we demand that all the survivors of those engaged in the slaughter of Modocs, under Wright and Ross, in 1852, and also those who attacked Captain Jack's villages and murdered his people in December last, be immediately arrested and placed in chains with Captain Jack until both parties have a fair trial.

T. TOWNSEND,
Chairman.
W. C. GOULD,
Secretary.

FULTON STREET, *August* 4, 1873.

1114 CALLOWHILL STREET,
Philadelphia, July 30, 1873.

To the PRESIDENT:

HONORED SIR: As chairman of the committee of the Universal Peace Union, permit me to state that, since the address in behalf of the Modoc Indians was presented and published, the committee have good reasons for believing that the public mind is favorably changing in regard to these persons, and although informed that some of them have been convicted, yet it is thought by many persons that if the convicts are not immediately executed, and are kept under judicious restraint, the public will not eventually demand execution.

In the course of the conversation the committee had with you, it was your pleasure to say that, unless you altered your mind, it was your intention to break up that tribe by placing some on the east of the mountains, leaving others on the west. Thoughtful persons must approve of such judicious and beneficent action on your part, and permit the committee to add that, in pursuance of your plan of action, several meetings have been held in different sections of Pennsylvania, hoping thereby to enlist the sympathies of friendly persons in a way that some of the captives may be brought here for education and civilization; and it is felt that some persons might make a journey to the Pacific to carry out this plan of action, if it were in the power of the administration to furnish railroad facilities for that purpose.

It would aid this work to receive a message on the last-named subject, should you deem such action on the part of the committee desirable and judicious.

The Universal Peace Union is greatly encouraged by the late action of the British House of Commons, recorded by Her Majesty the Queen in behalf of international arbitration, and it feels assured that you will find satisfaction in calling attention to that peace measure in your next message to the Congress of the United States.

JOHN M. SPEAR,
Chairman of the Peace-Address Committee to the President.

YREKA, SISKIYOU COUNTY, CALIFORNIA,
July 30, 1873.

SIR: Herewith please find petition in matter of Modoc Indians. It is a matter I have no interest in other than any other citizen of our country.

These Indians are used to take care of themselves, talk our language,

and understand all kinds of farm-work. They ask the privilege, nda name Mr. Burgess, as they have full confidence in his integrity toward them. He can use them to advantage, and will pay them wages that will support them well.

As to the other Indians, Captain Jack and others, whom it seems fated must be executed, permit me to ask an interference to the extent of working a delay until a full and fair investigation of the causes of the war be had, as they are very important witnesses. I ask this, as Mr. Odeneal, officially and through the Oregon papers, has persistently attacked my character and that of others, including our district judge, Rosborough, and *we* are anxious that the whole matter be ventilated, and the truth exposed.

Very respectfully, your obedient servant,

I. STEELE.

Hon. C. DELANO,
Secretary Interior.

To the Hon. C. DELANO, *Secretary of Interior:*

The undersigned, citizens of Siskiyou County, California, would respectfully represent that of the Modoc Indians, now held as prisoners of war, there are some that no charges are made against, except open warfare against the United States, of which are Scar-Faced Charley and Miller's Charley; that there are others who, for services rendered as scouts in the capture and subjugation of the tribe, have rendered material aid to the Government, and earned an exemption from rigorous punishment, of which are Bogus Charley, Shacknasty Jim, Jooka Jim, and Steamboat Frank, the so-called scouts.

We would also state that all of these Indians are useful farm-hands, capable of and fully competent intellectually to trade for and take care of themselves; that they have expressed a desire to make their own living, and be no burden to the Government; that they be allowed to seek employment for themselves, and to enter the service of John C. Burgess, late sheriff of Siskiyou County, California, who is a large farmer near Yreka.

We would therefore respectfully ask that they be permitted to enter the service of said Burgess, upon such conditions as shall be deemed advisable.

Yreka, July 30, 1873.

Very respectfully, yours,

E. STEELE,
WM. H. MORGAN, *Sheriff.*
JOHN A. FAIRCHILD.
H. WALLACE ATWELL, *alias*
BILL DADD, *the Scribe.*

YREKA, *July* 30, 1873.

SIR: You will pardon me in troubling you with a request to defer action on the finding of the commission appointed to try Captain Jack and other Modoc prisoners until a full and fair investigation of the causes leading to that sad affair for which they were tried can be had. We ask that a commission be appointed, with power to send for and compel the attendance of witnesses, who, otherwise, would keep very clear of an investigating committee. We know that those prisoners were tried without counsel, and before their counsel was aware that the day of trial had been named.

We know that the general belief is, the interpreter employed is unworthy of evidence. We know he is illiterate; can neither read or write; cannot translate the idioms of our tongue; cannot even understand good English. We know the squaw with whom he cohabits has shielded

her relatives in his interpreting at the expense of others. We know that gross wrongs have been committed by whites on these Indians, and will show them, if permitted to do so.

We can and will show much in mitigation of the offenses committed by these Modocs; will show this war was brought about by designing men, for selfish purposes; and we will show gross mismanagement and treachery on the part of those whose positions should have been a guarantee of fair dealing. For these reasons, and that the fair fame of some of the best citizens of this county may be cleared, and the guilty exposed, we pray you to appoint an impartial commission of three men, who do not live on this coast, and let us sift this matter to the bottom. For the credit of the Government and the cause of humanity, it should not rest here. I have been in the campaign from the first; been in nearly all the battles, acting as war correspondent for the Sacramento Record, and, toward the last part, the New York Herald. I was with the peace commission all the time; was in the cave on two embassies with Mr. Steel. Therefore I claim I have a right to know whereof I speak. Having been on this coast for twenty-two years, having a good knowledge of Indians and their ways, I cannot, in common with thousands, avoid the feeling that a great wrong has been committed and should be investigated, for the honor of our Government, which is supposed to protect the weak.

My address is Sacramento City.

I have the honor to remain your obedient servant,

H. WALLACE ATWELL,
"Bill Dadd, the Scribe."

Hon. C. DELANO,
Secretary of the Interior.

WAR DEPARTMENT, *Washington, D. C.*

SIR: I have the honor, in the absence of the Secretary of War, and by his direction, to inclose, for your information, copies of papers relative to the issue of clothing to the Modoc Indian prisoners in confinement at Fort Klamath, Oregon.

The Secretary desires me to say that he approves the issue and deems it proper that it should be charged to the Indian Bureau.

Very respectfully, your obedient servant,

W. T. BARNARD,
Acting Chief Clerk.

The Hon. SECRETARY OF THE INTERIOR.

HEADQUARTERS DISTRICT OF THE LAKES,
Fort Klamath, Oreg., July 27, 1873.

SIR: In order to prevent disease and suffering among the Modoc Indian prisoners now in confinement at Fort Klamath, Oreg., it has been found necessary to issue to them a small quantity of clothing. A copy of the order ordering the issue is herewith inclosed, with the request that it may receive the approval of the Department commander.

Very respectfully, your obedient servant,

FRANK WHEATON,
Lieutenant-Colonel Twenty-first Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL,
Department of the Columbia, Portland, Oreg.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., August 7, 1873.

The within orders are respectfully forwarded to the Adjutant-General of the Army for the consideration of the Secretary of War, (through Headquarters Military Division of the Pacific,) with the remark that when the Modoc Indians were captured they were in a most destitute condition, men, women, and children. I took them all to Fort Klamath, where they could be better cared for until final disposition was made of them. Humanity seemed to require that blankets and other covering be issued to them at once; this I directed to be done. General Orders No. 76, War Department, 1873, had not then been issued. I doubt if it had been received at Fort Klamath when General Wheaton issued his Special Order No. 70, (copy inclosed,) but if it had, as before stated, the issue was doubtless required as an act of humanity. I hope the Secretary of War will approve of these expenditures, as also the commissary stores issued to these Indians since their capture.

They are prisoners in military charge and must be taken care of, but if it be desired that the expenses incurred in keeping them be charged to the Indian Department, an account of the money-value can easily be furnished.

JEFF. C. DAVIS,
Brevet Major-General, Commandin

Forwarded through Headquarters Military Division Pacific.

[Special Orders No. 70.]

HEADQUARTERS DISTRICT OF THE LAKES,
Fort Klamath, Oreg., July 27, 1873.

Upon the recommendation of the post commander the acting assistant quartermaster at Fort Klamath, Oreg., is authorized to issue to the Modoc Indian prisoners now in confinement at that post such small quantities of clothing as can be spared from the supply of the troops as may be necessary to prevent unusual suffering.

Damaged clothing will be issued if on hand.

By order of Lieut. Col. Frank Wheaton:

F. A. BOUTELLE,
Second Lieutenant First Cavalry, Acting Assistant Adjutant-General.

[Special Orders No. 100.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., August 5, 1873.

* * * * * * *

2. Special Order No. 70, current series, District of the Lakes, Fort Klamath, authorizing the post-quartermaster to issue to the Modoc Indian prisoners, now in confinement at that post, such small quantities of clothing as can be spared from the supply on hand, to prevent unusual suffering among them, damaged clothing to be issued if practicable, is confirmed.

By command of Brevet Major-General J. C. Davis:

H. CLAY WOOD,
Assistant Adjutant-General.

YREKA, CAL., *August* 2.

DEAR SIR: I propose going to San Francisco, to remain perhaps two weeks, after which time I propose going to Iowa City, Iowa, to remain two weeks, unless otherwise ordered. Telegram will find me at Russ House, San Francisco.

If it is desirable that I should further investigate the Modoc affair, please notify me before I start east. I have ample material for a full report, which I propose to submit early in October next.

Very respectfully, your obedient servant,

A. B. MEACHAM.

Hon. E. P. SMITH.

DEPARTMENT OF THE INTERIOR,
August 30, 1873.

SIR: I have the honor to acknowledge the receipt of a communication from the War Department, under date of 26th instant, inclosing, for the information of the Secretary of the Interior, copies of papers relative to issue of clothing to the Modoc Indian prisoners in confinement at Fort Klamath, Oregon.

In reply, your attention is respectfully invited to the inclosed copy of a letter from the Commissioner of Indian Affairs, dated August 29, to whom the letter of the War Department and inclosure were referred, containing the views of that officer upon the subject, to the effect that, under the circumstances, the property issued is not considered a proper charge against the Indian appropriations.

This Department concurs in the opinion expressed by the Commissioner.

I have the honor to be, very respectfully, your obedient servant,
W. H. SMITH,
Acting Secretary.

The Hon. SECRETARY OF WAR.

OCTOBER 1, 1873.

To the President:

HONORED SIR: At a meeting of citizens held in the city of Philadelphia, this day, the following resolution was passed, and the undersigned was requested to forward to you.

Respectfully, in behalf of the meeting,
J. MURRAY SPEAR.

Resolved, That while we are the friends of good order, and desire to encourage and promote a high civilization, we deeply regret that the President of the United States should have issued an order for the execution of the convicted Modoc Indians, and we pray him to commute their punishment, and ask that he place them in positions which, while the lives of citizens may be protected, theirs may be preserved, and efforts be made for their education and civilization.

CONCORDVILLE, DELAWARE COUNTY, PENNSYLVANIA,
Ninthmonth 11 ,1873.

ESTEEMED PRESIDENT: I am a member of the Society of Friends, for which, however, I do not claim to be a saint, but if rightly knowing my own mind, I have a strong desire for the advancement of truth and practical righteousness.

I presume thou hast received many letters in relation to the Modocs, and I do not wish to be in any way troublesome, but as I sat in meeting this morning the subject of those prisoners arose before my mind, and it seemed to impress me so forcibly that I believe it to be right to lay the case before thee, hoping thy judgment in the matter (be it what it may) will be for the very best.

It appeared to me that the Government that had shown so much advancement in Christian charity in its treatment of those lately in rebellion against it should not now be stained with the blood of a few miserable savages; poor, ignorant, and deluded, yet, withal, men and brothers in the sight of the Infinite Creator of us all. And the proposition came before me which I will state, in a spirit of love, for thy consideration.

It is that those prisoners may be sent to some island or place of se-

curity for the rest of their lives, with or without some of the rest of their tribe, and that some one or more be sent with them to have charge over them; that endeavors be used to enlighten them in the better way of life, and awaken in their hearts that sense of truth and right which will lead them into a condemnation of their previous course.

Now, though I have a good home, am surrounded with a family whom I love, and have no desire for preferment in political affairs, yet should there be no one more suitable, nor willing, to undertake the task, my name is at thy command, for, as undesirable to me as is the undertaking, I would much rather do it than to see the Christian name and power of this beloved nation lowered in the sight of God and man.

Very truly,

LEWIS PALMER.

U. S. GRANT.

NINTHMONTH 24, 1873.

P. S.—Since writing the above, I have deferred sending it, hoping it would not be required of me, but I now seem to feel it right to send it.

L. P.

[Indorsement.]

EXECUTIVE MANSION,
September 26, 1873.

Respectfully referred to the Secretary of the Interior, by direction of the President.

LEVI P. LUCKEY,
Secretary.

DEPARTMENT OF THE INTERIOR,
September 27, 1873.

Respectfully referred to the Commissioner of Indian Affairs.

Q. A. PEARSON,
Acting Chief Clerk.

SAN FRANCISCO, CAL.,
September 19, 1873.

Hon. ED. P. SMITH, *Commissioner, Washington:*

I have consulted Governor Booth. We recommend that the matter be intrusted to us. Secret-Service Department will give information, when instructed, to Colonel Fennniyer. My address for fourteen days, 42 Tehamay street, San Francisco.

A. B. MEACHAM.

WASHINGTON, D. C., *Ninthmonth* 19, 1873.

DEAR FRIEND: I have come down this morning in the hope that the President was here, or would be soon, in order that I might present a petition to him in person; but finding he is not in the city, and not expected soon, I indorse the petition to thee, and will be *greatly obliged* to thee if thou wilt place it in a channel by which it will be brought to his notice at an early day.

Very respectfully, thy friend,

BENJ. HALLOWELL.

C. DELANO, *Secretary Interior.*

To ULYSSUS S. GRANT, *President of the United States:*

The memorial of the undersigned, the executive committee on the Indian Concern of Baltimore Yearly Meeting of the Society of Friends, respectfully represents:

That we feel new sympathy with thee in thy responsible position, and deep solicitude for the result of thy action in the case of the Modoc prisoners, sentenced to be hung on the 3d of next month. We rejoice that their destiny rests in thy hands. We feel assured that thou hast fully informed thyself of all the circumstances, and that thou wilt extend to them every element of justice and humanity which the law will admit.

We feel it right to revive a statement of General Houston in the United States Senate years ago, to the effect that his experience, in a long and extensive intercourse with the Indians, had convinced him that every outbreak of the Indians against the whites *was preceded* by *greater* outrage and cruelty by the whites against the Indians.

To this experience of General Houston, the late conduct of the Modocs forms no exception. Witness the account of the violation of a "flag of truce" in 1852, and the slaughter of a number of Modocs, including two chiefs, by Captains Ross and Wright.

But we need not recite instances to thee. Our desire is, simply, that thou mayst be encouraged fearlessly to do what thou believest to be right, by these unhappy people, regardless of all consequences and remonstrances; and the course we have ground for believing thou wilt pursue.

We will sustain thy action, be it what it may, feeling assured it will be the best that thy official duty to all concerned will permit. We may add, however, that if thy decision shall be in favor of extending *the fullest Executive clemency* to the prisoners, it will not only rejoice our own hearts, and the hearts of those we represent, but we believe it will ultimately, when all the facts shall be disclosed, receive the warm approbation of the friends of humanity throughout the world.

With sincere respect, we are, thy friends,

BENJ'N HALLOWELL.
B. RUSH ROBERTS.
RICHARD T. BENTLEY.

SANDY SPRING, MARYLAND, *Ninthmonth* 13, 1873.

DEPARTMENT OF THE INTERIOR,
September 27, 1873.

SIR: I have received your letter of the 15th instant, in regard to matters connected with your late superintendency, inclosing your vouchers for extra expenses incurred in the Indian service.

I note your observations concerning the erroneous views of the board of Indian commissioners and of Hon. F. A. Walker, late Commissioner of Indian Affairs, relative to your action in connection with the Modoc difficulties.

The history of the Modoc war, which you say you have written, doubtless contains many interesting particulars, and I should be pleased to see a copy of it when you have it published.

I have referred your letter and vouchers to the Commissioner of Indian Affairs for his consideration and report.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

F. B. ODENEAL, Esq.,
Salem, Oreg.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
August 29, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from your Department, of a letter, under date of the 26th instant, from the

ient, inclosing copies of papers relative to the issue of ne Modoc Indian prisoners in confinement at Fort Klamath, d stating that the Hon. Secretary of War deems it proper ssue should be charged to this Bureau.

y, I have to say that, under the circumstances, the property as aforesaid is not considered as a proper charge against the Appropriations. The said Indians are under the control of the Department as prisoners of war, and whatever expense there may ncurred in clothing or in feeding them should, in the opinion of this Office, be borne by that Department.

The papers in the case are herewith returned.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

Hon. C. DELANO,
Secretary Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
September 23, 1873.

SIR: I have the honor to call attention to the late massacre by white persons of Modoc Indian prisoners in Oregon, and respectfully to suggest the propriety of some action being taken to arrest and punish the persons engaged therein. I inclose herewith copy of a telegram from A. B. Meacham to the Commissioner of Indian Affairs, dated San Francisco, Cal., the 19th instant. This telegram is in reply to one addressed to Mr. Meacham, asking him to designate a suitable person to detect and arrest the murderers. He suggests, in this telegram, that the matter be intrusted to the United States Secret-Service Department.

In compliance with this suggestion, I respectfully recommend that the matter be laid before the Treasury Department, with a view of having the necessary instructions given to the proper person in charge of the United States secret-service in the Pacific court, and that this Office be advised of the action taken in the premises by that Department.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
October 31, 1873.

SIR: I have the honor to transmit herewith a copy of a letter of this date from the Commissioner of Indian Affairs, recommending the detail of Lieut. Melville C. Wilkinson to proceed to Fort McPherson and take charge of the Modoc prisoners at that place, and attend to their transportation to Quapaw agency, in the Indian Territory; and respectfully request that said recommendation be carried into effect.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SECRETARY OF WAR.

FORT MCPHERSON, NEBR.,
November 1, 1873.

EDWARD P. SMITH,
Indian Commissioner, Washington, D. C.:

Modocs consist of thirty-nine men, fifty-four women, sixty children. Detailed report by families forwarded to Department headquarters October 30.

J. J. REYNOLDS,
Colonel Third Cavalry.

WAR DEPARTMENT,
Washington City, November 1, 1873.

SIR: In reply to your letter of the 31st ultimo, inclosing copy of a letter of same date from the Commissioner of Indian Affairs, recommending the detail of Lieut. Melville C. Wilkinson to proceed to Fort McPherson, and to take charge of the Modoc prisoners at that place and attend to their transportation to the Quapaw agency, in the Indian Territory, I have the honor to inform you that I have approved the recommendation of the Commissioner of Indian Affairs, and the necessary orders will be at once issued by the Adjutant-General.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
December 17, 1873.

SIR: I have the honor to transmit herewith a special estimate for appropriations of funds to subsist and properly care for the Modoc Indians that have been removed to, and are now residing within the limits of, the Indian Territory, during the fiscal year ending June 30, 1874. The amount required is $15,000.

I also transmit a copy of a letter, dated the 16th instant, from the Commissioner of Indian Affairs, and accompanying copy of a communication, dated the 10th instant, from Cyrus Bede, chief clerk to the superintendent of Indian affairs, central superintendency, reporting the necessity for furnishing the Indians referred to with subsistence, clothing, &c., for the purchase of which an appropriation is asked; and, agreeably to the recommendation of the Commissioner, the estimate is respectfully submitted for the favorable consideration and action of Congress.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER *of the House of Representatives.*

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